San Francisco State University

Office of the Vice President for Student Affairs & Enrollment Management
Equity Programs & Compliance

FY 2015-2016 Title IX Annual Report

Table of Contents

INTRODUCTION 2

EVALUATION 3

SF STATE TITLE IX COORDINATION AND DHR ADMINISTRATIVE STRUCTURE 4

Title IX Coordinator and DHR Administrator 4

Title IX and DHR Coordination 5

Title IX & DHR Oversight Team 5

Equity Programs & Compliance Leadership Team 7

President's Advisory Board on Gender Equity & Title IX 8

SF State Athletics Department 9

TRAINING, PREVENTION & OUTREACH 10

Awareness and Outreach Activities 11

CAMPUS CLIMATE ASSESSMENT 12

Educational Advisory Board Campus Climate Survey 12

REPORTED INCIDENTS IN FISCAL YEAR 2015-2016 13

Discrimination, Harassment, and Retaliation Reports for FY 2015-2016 16

OBSERVATIONS & RECOMMENDATIONS 18

INTRODUCTION

San Francisco State University (SF State) continues to restructure and enhance how Title IX Coordination and Discrimination, Harassment & Retaliation (DHR) Administration programs and services are provided.

SF State remains committed to issues related to campus sexual violence and implementing a comprehensive institutional intervention that moves beyond mere compliance to actually identify and eliminate the root causes of sexual violence, as well as actively promote and sustain a campus learning and working environment that affords equitable opportunities without regard to any individual's gender or gender identity.

In this approach, SF State's Title IX-based efforts are intended to complement the institution's self-stated and long-standing commitment to issues of equity, inclusion and social justice. We recognize that moving in this direction requires a multi-year investment to create the change, and that tenacity and perseverance will be required to sustain the effort.

Please provide any feedback to:

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All comments and feedback are appreciated and will be considered as we develop future reports.

EVALUATION

SF State made a concerted effort during fiscal year (FY) 2015-16, to augment the University's capacity for equity. The FY 2014-15 Title IX Annual Report recommended that we increase our training, outreach, and education efforts in support of discrimination and harassment on the basis of other protected classes in addition to gender. In FY 2015-16, while the number of reports under the new category of "sexual misconduct" remained fairly consistent with the reports of "sexual violence" made the previous fiscal year, the number of discrimination, harassment, and retaliation reports increased significantly. There is documentation to support that increased education, outreach and training is typically associated with increased reporting. As such, increased reporting at SF State is a testament to our outreach efforts and perceived responsiveness. We believe that our efforts to inform our campus community of our policies and procedures have reassured both students and employees that effective, prompt and responsive action will be taken to redress a report of unacceptable behavior that is inconsistent with University policy, should they so choose to invoke our administrative process.

SF State takes every reported incident of sexual misconduct or discrimination, harassment, or retaliation seriously when it is reported to the Title IX Coordinator or designee, and provides timely, compassionate and appropriate support to victims and complainants when they come forward. We have a fair and multi-partial investigative approach that honors the due process rights of both the respondent and of the complainant, and have consistently responded to the increased number of complaints by students, staff and faculty in accordance with our policies.

The FY 2014-15 Title IX Annual Report was keenly aware of how risk and liability, however, could increase as the result of inadequate levels of management oversight and supervision. The President's Cabinet explored this broader issue, and in FY 2015-16 SF State invested in 3 new positions in support of Title IX and DHR initiatives and compliance. First, the University allocated an additional full-time investigator and increased the number of its investigators in order to more efficiently investigate and resolve complaints that were brought to our attention. Second, the University created a Dean of Equity Initiatives position that will primarily serve faculty, staff and third parties. Reporting to the Title IX Coordinator and DHR Administrator, the Dean will provide ombuds support for SF State employees, and provide training for faculty and staff in the areas of Title IX, Title VII, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973. Third, the University proposed the creation of a Director of Human Relations position that will primarily serve students. Reporting to the Vice President for Student Affairs and Enrollment Management, the Director will provide education, outreach and developmental opportunities with students, and collaborate with campus departments and community organizations around issues of social justice, equity, and inclusion.

These new positions will further our efforts to maintain a safe campus, a necessary condition for a supportive learning environment. In addition to these new positions, SF State maintains several committees and workgroups for the purpose of identifying pervasive and critical issues

arising under Title IX. The **Title IX & DHR Oversight Team** is charged with determining how the campus is complying procedurally with California State University (CSU) policies. In complying with the Executive Orders, this team has been very effective in bringing resolution to issues raised. Additionally, the **Equity Programs & Compliance Leadership Team** and the **President's Advisory Board on Gender Equity & Title IX** provide additional guidance and recommendations with regard to University policies and practices, as well as campus culture, relative to the area of Title IX and gender equity.

SF State has been successful in generating campus-wide dialogue and shared ownership of a critical problem that has been long-standing on just about every college campus in the United States. We seek to fulfill our responsibilities to correct deep-rooted issues in a manner that surpasses what is simply required. We view it as our primary responsibility under Title IX to support the campus community in being the most equitable institution possible.

SF STATE TITLE IX COORDINATION AND DHR ADMINISTRATIVE STRUCTURE[1]

Title IX Coordinator and DHR Administrator

At SF State, Dr. Luoluo Hong, Vice President of Student Affairs and Enrollment Management, is the designated Title IX Coordinator and DHR Administrator. Dr. Hong coordinates compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex or gender in education programs and activities. As Vice President for Student Affairs and Enrollment Management, Dr. Hong has the independence to avoid any potential conflicts of interest; the qualifications, training, and time to address complaints; and, the authority to fulfill this coordination responsibility. In her capacity as Title IX Coordinator, Dr. Hong coordinates responses to all incidents involving possible discrimination, which includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate; she also oversees and ensures all efforts to educate, train and raise awareness of SF State students and administrators/staff/faculty as required by policy and external mandates.

[1] The Functional Organization Chart (with names of appointees) can be accessed here: http://titleix.sfsu.edu/sites/default/files/TitleIX_Org_Chart.pdf

Title IX and DHR Coordination

Title IX & DHR Oversight Team

In executing a coordinated and institutional response to allegations of prohibited conduct, SF State formed a **Title IX & DHR Oversight Team** (Oversight Team) responsible for case management. CSU Executive Orders 1095, 1096 and 1097 allows the Title IX Coordinator and DHR Administrator to delegate duties as necessary. The Oversight Team coordinates and monitors reports and investigations to assure that responses are timely, appropriate, impartial, and in compliance with all relevant CSU Executive Orders.

The Oversight Team is comprised of the following individuals:

- Title IX Coordinator & DHR Administrator
  Dr. Luoluo Hong, Vice President for Student Affairs & Enrollment Management
  415.338.7313, vpsaem@sfsu.edu

- Sr. Deputy Title IX Coordinator / Associate DHR Administrator for Students
  Dr. Mary Ann Begley, Interim Associate Vice President & Dean of Students
  415.338.2032, begley@sfsu.edu

- Interim Sr. Deputy Title IX Coordinator / Associate DHR Administrator for Employees and 3rd Parties
  Mr. Katon Dalton, Equity Programs & Compliance Manager; Title IX & DHR Investigator
  415.338.2032, kdalton@sfsu.edu

- Ms. Sara Lewis, Confidential Assistant, Equity Programs & Compliance
  415.338.6053, saral@sfsu.edu

OVERSIGHT TEAM PROJECTS ORGANIZED BY SF STATE STRATEGIC VALUES

SF State recently launched a new strategic plan in Spring 2015. The plan can be found on the web at http://planning.sfsu.edu. The plan stipulates short-term, mid-term, and long-term priorities and goals, organized by five institutional values. The values are listed below, along with key initiatives undertaken by the Oversight Team during FY 2015-16.

Courage	Proceeding with investigations without the participation of the Complainant in the interest of the community;
Life of the Mind	Consultation with scholarly experts to determine pedagogically appropriate material that is the subject of Executive Order 1095 related cases;
Equity	Review of pushback received by female investigators by male parties; Review of housing possibilities for respondents who are placed on emergency interim suspension and by default, lose campus housing; Review of outreach material to complainants that gives them choice and control in how to proceed with their complaint
Community	Development of Procedures to Implement the Consensual Relationship Policy; Committee review of disclosed consensual relationships; Review of and forthcoming guidelines on administrative holds in Executive Order 1095 related cases; Review of the details provided in Clery Timely Warnings, and issues related to Racial Profiling and Campus Security
Resilience	Reviewed interim and ultimate remedies, and associated processes; Review of HOPE Student Crisis Loan Fund applications to assist students experiencing short-term financial exigency and needing funds to remain in school; Sustained planning, implementation and compliance efforts while simultaneously responding to a significant increase in reported incidents (e.g. Implementation of Maxient); provided CSU Systemwide leadership and coordination on key initiatives in support of CSU Executive Order 1095 (e.g., Hosted Annual System-wide Training for Title IX Investigators) in addition to providing campus-based leadership

Equity Programs & Compliance Leadership Team

SF State formed the **Equity Programs & Compliance Leadership Team** (Leadership Team) to provide consultation on emerging issues, including how Title IX and DHR efforts can be best disseminated and implemented across campus. It also provided regular updates and ongoing training points to members. This Team convened 9 times over FY 2015-2016.

In addition to the Oversight Team members, the Equity Programs & Compliance Leadership Team is comprised of the Deputy Title IX Coordinators and Assistant DHR Administrators.

EQUITY PROGRAMS & COMPLIANCE LEADERSHIP TEAM CONTRIBUTIONS
ORGANIZED BY SF STATE STRATEGIC VALUES

Courage	Discussed recruiting policies and practices for lecturers in relation to larger employment management issues; Reviewed updating the Principles for a User Friendly Campus and Principles of Conduct for a Multicultural University; Responsible MPPs implemented strategies to remove any conflicts in consensual relationships;
Life of the Mind	Provided department Chair training; identified opportunities for more DHR training to campus constituencies; Identified training needs for FY ’16 -’17; supplemented Skillport training with message outlining inconsistencies;
Equity	Reviewed cases, concerns, and reporting data to identify themes impacting the creation and maintenance of an equitable learning environment; Decision to not restrict enrollment of individuals who do not complete refresher education; Review of May 13, 2016, OCR Dear Colleague Letter regarding obligations under Title IX for transgender students;
Community	Discussed SF State’s communication protocol and hiring decisions in relation to high profile cases involving local universities; Identified need for dedicated safe space outside of the class room and for dedicated leadership to promote an inclusive climate; Review of college council model as an effective forum for students to create college identity and to build relationships;
Resilience	Continued identification of areas of common vulnerability and discussed how to be proactive in addressing them, and progression from providing information on reporting responsibilities to building skills and capacity.

The Leadership Team's charge is to ensure that we continually examine, review, and advise around issues related to campus policies and climate so that we don't just operate under a complaint-driven system, but so that we are incident responsive and can reduce the likelihood of discrimination, harassment, and retaliation from occurring in the first place. In the effort of promoting institutional inclusion and equity, for FY 2016-17, there will be an increased emphasis on institutionalizing our value-based discussions by being more action oriented, and assessing the effectiveness of the group through measured outcomes.

President's Advisory Board on Gender Equity & Title IX

SF State also formed a **President's Advisory Board on Gender Equity & Title IX** (Board) consisting of faculty, students, and campus officials to identify strategies for developing plans and strategies to promote a campus environment free of gender-based discrimination and to support the primary prevention of sexual violence. The Board further strove to ensure that employees and students know how to identify and report, as well as intervene/interrupt, prohibited behavior. The Board met at the beginning and end of each semester for FY 2015-2016, to ensure consistency and coordination in facilitating effective and timely compliance with applicable CSU Executive Orders, regulatory requirements, and governmental mandates.

GENDER EQUITY & TITLE IX COMPLIANCE PRESIDENT'S ADVISORY BOARD CONTRIBUTIONS ORGANIZED BY SF STATE STRATEGIC VALUES

Courage	Recommendation to provide a list of employees with outstanding training to Cabinet VPs, who will be responsible for the unit achieving full compliance;
Life of the Mind	Health Promotions and Wellness began implementation of ongoing comprehensive education envisioned by the Program and Media Group;
Equity	Discussed how we can improve services to LGBTQQIA students, and identified gaps in service;
Community	Reviewed the recommendation to evaluate the need and determine the feasibility of establishing one or more identity-based advocacy and/or education centers on campus; Recognized the intersectionality of Title IX related work in order to have the opportunity to participate in ongoing dialogue about equity and inclusion
Resilience	Proposed action projects (e.g. cultural competency/sensitivity training) in efforts to have long lasting and meaningful change. The Work Group structure was disbanded in favor of ad hoc committees to complete specific tasks as necessary

SF State Athletics Department

The SF State Athletic Department provides and maintains equivalent resources for female and male student athletes across all program components in accordance with Title IX. SF State provides opportunities for male and female athletes to participate at the intercollegiate level proportionate to their full-time undergraduate enrollment. All sport program operating revenues and expenses, equipment, facilities and athletic scholarships are aligned to ensure that the University is providing a gender-equitable student-athlete experience.

In order to ensure adherence to Federal laws and guidelines and gender equity principles, the San Francisco State athletics department will establish and maintain a gender equity committee to review the athletic department's continuing commitment to equal opportunity. More information on the committee and the efforts of the Athletic Department can be found in the forthcoming Department of Athletics Title IX and Gender Equity Plan.

Additionally, SF State complies with the requirements of the Equity in Athletics Disclosure Act (EADA) by completing an annual report of participation rates, financial support and other information on men's and women's intercollegiate athletic programs. This report is available on the US Department of Education's Office of Postsecondary Education Web Site.

More information about SF State's athletic programs, including a printed copy of the EADA report, is available from the Department of Athletics through Charles Guthrie, Director of Athletics, (415) 338-7567.

TRAINING, PREVENTION & OUTREACH

SF State has delineated training activities from prevention education and outreach efforts.

Training comprises those events, usually time-limited in nature, that are designed to assist the target audience with understanding the various policies of the CSU and procedures of the campus, as well as components to ensure compliance with state regulations and federal legislation. The primary aim of training is to increase awareness surrounding campus resources to respond to incidents of sexual harassment/sexual violence, as well as to encourage comprehensive, timely and appropriate reporting of Title IX-related incidents. Ancillary goals may include helping to promote a campus climate that is more caring and compassionate to victims of sexual violence. Research shows that it is reasonable to expect that an increase in the amount of training provided will result in increased reporting and inquiries related to sexual violence.

The training and workshop sessions can be accessed here: http://titleix.sfsu.edu/Materials. Educational and outreach efforts also include sending Gender Equity & Title IX/VAWA notices to the campus at the beginning of the Fall semester. This notice asks for the campus's assistance and support with cultivating a working and learning environment reflective of SF State's core beliefs in social justice, and provides links to available on and off campus resources, contact information of key Title IX personnel, and other vital information. The notices can be found here: http://titleix.sfsu.edu/content/mandated-notices.

SF State provides online training for all first-time incoming students through Campus Clarity. Students were informed of the consequences should they fail to complete the training by deadline, which includes a Dean of Student's Hold being placed on their student record until such time that the federally required task is completed. At SF State, this process has been highly effective resulting in a 97.3% completion rate for Fall 2016. More information about the program can be found here: https://wellness.sfsu.edu/campus-clarity

Prevention includes those programs, activities and strategies, sustained over time, that are designed to gradually shift attitudes, increase knowledge and change behaviors, thereby contributing to a demonstrable reduction in the incidence and prevalence of sexual violence on and around campus. It encompasses both efforts to target individuals as well as to address systemic issues, community norms, and institutional culture. The primary aim of prevention is to stop violence from happening in the first place, for a critical mass of SF State community members. A central feature of our prevention programming will be the establishment and growth of a men's program, highlighting men's unique role and responsibility in educating themselves and others about violence prevention. Primary prevention will be augmented during the course of the next academic year, in addition to sustaining current training efforts.

Awareness and Outreach Activities

During its inaugural year, the Health Promotion & Wellness (HP&W) team worked with the campus community to reduce and prevent the incidence and prevalence of sexual violence via environmental/ecological/social change strategies and through developmentally appropriate, culturally relevant curriculum targeted at various student communities. HP&W conducts workshops and seminars, and provides training to volunteers who work with other students, faculty, and staff to assist in creating a campus environment that reinforces healthy lifestyles.

The Health Promotion & Wellness team conducted a three and a half hour training for Residential Assistants in the Fall semester, followed by an additional hour long training in the Spring semester. The training emphasized creating positive community and social norms around sexuality and gender socialization, as a means to reduce sexual violence. HP&W also conducted three one-hour trainings at the Leadership Symposium, that included clarification of affirmative consent, effective techniques for bystander intervention, and the importance of shifting social norms in positively changing campus culture. Similarly, HPW conducted trainings at the annual Greek Summit, as well as with all student athletes.

Health Promotion & Wellness maintained a presence at larger community events, hosting tables and handing out information related to sexual violence to audiences at New Student Orientation (for both freshmen and transfers), orientation for the Office of International Programs, Graduate Student Orientation, and Welcome Days. Furthermore, HPW participated in the annual Constitution Day at SF State, co-sponsoring a screening of the film "Private Lives," a film about domestic violence which follows the experiences of two survivors, which dissects and disputes common notions around violence and lays the groundwork for envisioning a future without domestic violence.

Health Promotion & Wellness served as a consultant for events organized by student organizations on campus. The Educational and Referral Organization on Sexuality, the Queer & Trans Resource Center, and the Women's Center organized a weeklong awareness event in February 2016 called "Consent Week."

Over the next two years, the Health Promotion & Wellness team will rollout programs that addresses sexual violence for the campus community, with a focus on increasing positive bystander behavior among students and increasing reporting of incidents of sexual violence; and, a program that addresses the harmful effects of toxic masculinity, focusing on increasing help-seeking behavior, increased awareness of the gender-socialization process, and increasing the ability of men to develop healthy and equal relationships.

CAMPUS CLIMATE ASSESSMENT

Educational Advisory Board Campus Climate Survey

The EAB Campus Climate survey is an anonymous online survey that assesses students' perceptions, behaviors, attitudes, and experiences related to sexual violence on campus. The survey was administered by the Equity Programs & Compliance team in Spring 2015; response data can be found in the FY 2014-2015 Title IX Annual Report. The response rate for the EAB survey was 9%, but many of the takeaways from the survey continue to be instructive. The next EAB campus climate survey is scheduled to be administered in Spring 2017.

While 82% or respondents felt faculty genuinely worried about their welfare, only 42% felt that their career as a student would suffer if they filed a report. This perception could be related to the emotional stress the complainant is under as a result their experience. In order to abate any emotional stress caused by the process itself that could lead to academic or professional harm, training sessions can emphasize interim remedies the Equity Programs & Compliance team can put in place to assist students academically to assuage some of those concerns. The most common concerns about reporting are very telling. We will need to think of way to address the stigma that surrounds reporting so that our students know they can get the resources and help they need.

Additionally, 42% of respondents understood the formal procedure of how the University would address sexual violence complaints. Equity Programs and Compliance will continue to offer trainings to bridge the knowledge gap for our students when it comes to understanding the Executive Orders that guide our process. Providing current information on policies and procedures will become more important as the Executive Orders are updated to incorporate changes in state and federal law. Trainings will also do more to promote our victim advocacy/confidential resources on campus, as only 60% of respondents were aware of confidential resources on campus.

REPORTED INCIDENTS IN FISCAL YEAR 2015-2016

At SF State the roles of Title IX Coordinator and Discrimination, Harassment, and Retaliation (DHR) Administrator are assigned to the same individual, resulting in the Equity Programs and Compliance Office receiving and addressing reports of sexual misconduct, and discrimination, harassment, and retaliation. Except as noted by policy, SF State employees who have reason to know of allegations that may violate Executive Order 1095, 1096, or 1097, cannot agree to maintain a victim's confidentiality, and are required to elevate potential concerning events to the Title IX and DHR Administrator. Employees are also encouraged to immediately and directly refer victims to the appropriate campus resources. Employees are not expected to and are discouraged from conducting a preliminary evaluation of whether allegations violate University policy. Instead, employees are expected to elevate concerns to the Title IX and DHR Administrator so steps can be taken to determine whether the alleged behavior could be considered prohibited conduct, stop the alleged conduct, investigate if appropriate, and remedy the effects of the conduct.

As a result of SF State's administrative structure, training efforts, and employees adhering to their institutional responsibilities as mandated reporters, a wide array of potential concerns are elevated to the Title IX and DHR Administrator. Potential concerns may involve allegations of sexual misconduct; discrimination, harassment, or retaliation; and, matters that do not fall within the scope of EO 1095 that are ultimately resolved under other University policies and procedures. For example, reports may involve allegations of isolated incidents of unprofessional behavior unrelated to the complainant's protected characteristics or questions about the existence, content, and application of department policies.

While some reports are pursued through a formal investigation process, some reports may ultimately be resolved without one for a variety of reasons. Cases may not be investigated due to the allegations not on their face suggesting a violation of University policy, interim measures having successfully addressed the concern, and the complainant not wishing to proceed with an investigation to name a few. Irrespective of whether the report is deemed within the scope of EO 1095 or is addressed with or without an investigation, reports require a coordinated response including but not limited to conducting an initial inquiry, providing advocacy services and support, referring to and following the appropriate administrative process, and providing relief and resolution.

Executive Order 1095 requires California State Universities to publish reports on Sexual Misconduct[2] incidents annually on October 1st, for the prior fiscal year, without disclosing any information that would reveal the identities of the parties involved.

[2] Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual

As noted above, the number of matters elevated to and addressed by the Title IX and DHR Administrator is not limited to reports of Sexual Violence. As noted below, in FY 2015-2016 the Equity Programs and Compliance Office received 79 reports of Sexual Misconduct, Dating and Domestic Violence, and Stalking; 94 reports of discrimination, harassment, or retaliation, for a total of 173 reports.

Sexual Misconduct, Dating or Domestic Violence, and Stalking Reports for FY 2015-2016

The total number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received.	79

The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which a Student is the Respondent.	24
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which an Employee is the Respondent.	3
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which a Third Party is the Respondent. [3]	52

The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which a Student is the Complainant.[4]	76
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which an Employee is the Complainant.	0
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which a Third Party is the Complainant.	3

Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

[3] In some cases the identity of the respondent is unknown to the complainant or the complainant did not disclose the identity of the respondent. Information on third party respondents is not required per Executive Order 1095 (June 23, 2015).

[4] Complainant information is not required per Executive Order 1095 (June 23, 2015).

The total number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated.[5]	7

The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated in which a Student is the Respondent.	4
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated in which an Employee is the Respondent.	2
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated in which a Third Party is the Respondent.	1

The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated in which a Student is the Complainant.	6
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated in which an Employee is the Complainant.	0
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated in which a Third Party is the Complainant.	1

The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports resolved without investigation, including a description of the resolution and/or reason for no investigation.[6]	72
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations in which the evidence was found insufficient to hold the Respondent responsible.	2
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations in which the Respondent was held responsible, including a description of the final sanction.[7]	5

[5] Investigations may commence in one fiscal year and be completed in the following fiscal year. Reports are resolved once an outcome is considered final. If a final outcome has not been determined before October 1st, the report is considered pending, and not counted per the Executive Order Annual Report requirements. Pending reports that are resolved during the next fiscal year are included in the following Annual Report's statistics.

[6] Investigations were not completed in cases where the complainant did not pursue an investigation, and the use of interim remedies resolved the matter to the complainant's satisfaction.

[7] (1) Stay Away Letter issued to the respondent; respondent no-longer affiliated with the University. (2) Respondent voluntarily ended affiliation with SF State prior to the conclusion of the investigation. (3) Respondent suspended for two years. (4-5) Respondent no longer affiliated with the University.

Discrimination, Harassment, and Retaliation Reports for FY 2015-2016

California State University system-wide policy ***does not*** require SF State to report the following discrimination, harassment, and retaliation (DHR) statistics annually on October 1st, for the prior fiscal year. In the interests of transparency and to educate the campus community, we are providing this information on DHR incidents. These reports are in addition to the reports received on the basis of sexual violence.

The total number of DHR reports received.	94

The number of DHR reports received in which a Student is the Respondent.	23
The number of DHR reports received in which an Employee is the Respondent.	52
The number of DHR reports received in which a Third Party is the Respondent.	19

The number of DHR reports received in which a Student is the Complainant.	60
The number of DHR reports received in which an Employee is the Complainant.	27
The number of DHR reports received in which a Third Party is the Complainant.	7

The number of DHR reports investigated.	9

The number of DHR reports investigated in which a Student is the Respondent.	2
The number of DHR reports investigated in which an Employee is the Respondent.	7
The number of DHR reports investigated in which a Third Party is the Respondent.	0

The number of DHR reports investigated in which a Student is the Complainant.	5
The number of DHR reports investigated in which an Employee is the Complainant.	4
The number of DHR reports investigated in which a Third Party is the Complainant.	0

The number of DHR reports resolved without investigation.	85
The number of DHR reports in which the Respondent was held responsible.	3
The number of DHR investigations in which the evidence was found insufficient to hold the Respondent responsible.	3
The number of DHR investigations still pending.	3

OBSERVATIONS & RECOMMENDATIONS

The organizational structure for supporting Title IX Coordination and DHR Administration at SF State has the distinct advantage that one executive office is privy to the content and resolution of all reported incidents and inquiries that come through the Equity Program & Compliance Office. It is important to note that the Office receives a large volume of complaints and reports, but not all cases ultimately fall under the purview of CSU Executive Order 1095, 1096 or 1097. Regardless, there is appropriate follow up in all situations, and the response is commensurate to the context of each incident or inquiry.

Because we have a "big picture" of the kinds of issues and concerns that arise for both students and employees related to discrimination and/or harassment, as well as inequitable treatment, on the basis of any protected class, Equity Programs & Compliance is uniquely situated to recognize systemic issues or organizational patterns and work to address, alleviate or ameliorate these as quickly as possible. Based on the observations we have relative to all incidents and inquiries directed to the Office, we offer the following recommendations for consideration and follow-up.

1. Strengthen support to faculty and staff at San Francisco State University experiencing difficulties related to the workplace. The number of inquiries and complaints arising from faculty and staff continues to increase in frequency and complexity. These cases are among the most time-consuming, because many of the complaints refer to concerns that have occurred over a sustained period of time and do not necessarily reflect just one-time, isolated incidents. Further, many of the complaints, while concerning, do not necessarily fall under the purview of Executive Order 1096 or 1097; rather, the faculty or staff member would benefit from some advice, counseling, guidance and/or support from an unbiased office to help them address or resolve the underlying reason for the complaint. We believe strongly that the availability of an Ombuds would be of great value for SF State – offering a confidential, "safe" and multipartial individual who can help faculty/staff understand and navigate the complex bureaucracy of administrative policies and procedures, as well as achieve clarity their personal rights and responsibilities as employees. The Office of the Vice President & Title IX Coordinator, Student Affairs & Enrollment Management, in consultation and partnership with the Academic Senate, the Office of Faculty Affairs, and the Office of Human Resources plans to advance a position called "Dean of Equity Initiatives" who will serve as both the Senior Deputy Title IX Coordinator/DHR Administrator for staff/faculty as well as the Ombudsperson.
2. Continue and expand on current efforts to provide training and development for Management Personnel Plan administrators and executives, as well as department chairs and other managers. Due to administrative and management turnover, and given that the content of the various Executive Orders are updated fairly often, it is essential that we continue a comprehensive array of educational outreach activities to build the

capacity of those who have supervisory responsibilities and/or administrative oversight to respond appropriately and timely to concerns in the workplace related to discrimination, harassment and retaliation.

3. Continue advocacy for activities, programs, and services that address issues of campus climate, equity and inclusion more proactively. These functions will need to specifically target students, staff, faculty and administrators. Unfortunately, despite a sustained increase in the number of incidents reported to Equity Programs & Compliance, SF State's current investments remain almost predominantly focused on intervention and response, and minimally (other than interpersonal prevention efforts for students coordinated by the Office for Health Promotion & Wellness) on outreach, capacity-building and prevention as it relates to proactively reducing incidents of sexual misconduct and of discrimination/harassment. The Office of the Vice President & Title IX Coordinator, Student Affairs & Enrollment Management, plans to advance a position entitled "Director of Human Relations" and search for an incumbent who can help begin addressing some of the issues and challenges we have identified through our compliance-related efforts.
4. SF State must continue to move forward with institutionalization of investigative support services. The model for conducting investigations in accordance with EO 1096/1097 continues to rely heavily on volunteer MPP investigators, the majority of whom already have demanding, full-time work responsibilities. While having a large pool of MPP investigators has helped with assigning investigators in such a way as to minimize perceive/actual conflict of interest, as well as to enhance rapport between Complainants/Respondents and the assigned investigator, we nonetheless have insufficient capacity relative to the case load. Equity Programs & Compliance is grateful for the establishment of a new 1.0 FTE dedicated investigator to supplement the investigative efforts of the Equity Programs & Compliance Manager, who is assigned the most challenging and complex cases, but must do so while also executing administrative responsibilities, which continue to expand as the administrative burden increases. It has been difficult to fill the dedicated investigator position, and the position has been vacant longer than it has been filled. We recommend that consideration for a second full-time investigator be given in the near future to create more overlap and back-up coverage for investigative services.

Drafted 3.3.2017 by Katon Dalton
Updated 6.25.2017 by Luoluo Hong

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