San Francisco State University

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

FY 2016-2017 Sexual Misconduct Statistics

REPORTED INCIDENTS IN FISCAL YEAR 2016-2017

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[1] incidents annually on October 1st, for the prior fiscal year, without disclosing any information that would reveal the identities of the parties involved.

Sexual Misconduct, Dating or Domestic Violence, and Stalking Reports for FY 2016-2017

The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which a Student is the Respondent.[2]	**25**
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which an Employee is the Respondent.	**0**
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated.[3]	**6**
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. [4]	**16**
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.[5]	**2**
The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations in which the evidence was found insufficient to hold the Respondent responsible.	**4**

[1] 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 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.

[2] This number represents the sum of reports that did not go to investigation (16), the number of reports received in FY2016-17 that were resolved by investigation (2), and the number of cases still pending (7).

[3] 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. 4 relevant pending investigations from FY2015-16 were completed during FY2016-17, and 2 investigations were initiated during FY2016-17 and completed before October 1, 2017. As of October 1st, 2017, there are 7 pending cases that will be included in the FY2017-2018 report.

[4] Investigations were not completed in cases where the complainant did not pursue an investigation; the matter was resolved through Early Resolution; or, the use of interim remedies resolved the matter to the complainant's satisfaction.

[5] (1) Respondent suspended for two years, required to complete 25 hours of community service, required to write a reflection paper, required to meet with the Associate Dean upon return/re-admittance to the CSU; (2) Respondent expelled from San Francisco State University.