



California State University
MONTEREY BAY
Office of Title IX Administration & DHR

Annual Title IX Report
Academic Year 2017-2018

October 1, 2018

CSUMB is committed to efforts for preventing and responding to occurrences of sexual misconduct. The term “sexual misconduct” encompasses the terms of “sexual misconduct,” “dating violence,” “domestic violence,” and “stalking” as defined in CSU Executive Order 1096 and 1097¹. Our campus places a high value on reporting these violations to the Title IX office so as to ensure our ability to act in a prompt and fair manner to all such concerns. Our students are trained annually on these issues in order to raise awareness for both prevention efforts and reporting options/support services available. Our employees are likewise trained annually in these matters, as well as their obligations as designated reporters to alert the Title IX office when reports are made. The campus utilizes an Employee Guidance page to provide quick reference reminders and information about reporting obligations, and its Resource Sheet that outlines the various options individuals have for seeking confidential and self-care services, and reporting to Title IX and/or Law Enforcement. With this annual report demonstrating substantive numbers for reporting in each sexual violence category, we applaud our campus for creating a climate and culture of reporting and response to these serious issues.

Type of Report	Total Reports	Formal Investigation	Early Resolution	Respondent Unaffiliated or Unknown	Not Enough Information for Violation	Honored Request Not to Pursue
Pending	2	2	0	0	0	0
Sexual Misconduct	17	2	4	7	2	2
Dating/Domestic Violence	8	0	1	6	0	1
Stalking	3	0	1	1	1	0
Totals	30	4	6	14	3	3

¹ EO 1096 is the policy and procedure applicable to employees, and EO 1097 is the policy and procedure applicable to all students

1) Pending: 2

This number reflects the number of sexual misconduct, stalking, and dating/domestic violence cases that were reported in the 2017-18 Academic Year but remain unresolved at the date of this report.

For the cases pending, one has a renewed investigation after remand from the systemwide appeals unit. The other is pending further discussions with the Complainant to see how that person would like to proceed given new evidence.

2) Number of sexual misconduct, dating or domestic violence, and stalking reports received in which the respondent's status is

a) a student: 13

b) an employee: 1

c) a third party: 9

d) unknown: 7

At times, reporters are not the person having experienced sexual misconduct and thus may not know the identity of one or more parties. At other times, reporters opt to not identify, or are not aware of, the Respondent's name and/or affiliation. When the person at issue is identified as a third party, the campus has no jurisdiction to take action against that person but will seek to provide support services and prevention efforts for the Complainant. Prevention efforts may involve safety planning for the individual, or working with the University Police Department for concerns of safety that could impact the campus community.

3) Number of sexual misconduct, dating or domestic violence, and stalking reports that were investigated: 2

Formal investigations are initiated in a number of ways:

- The Complainant is choosing to not participate in the process and a significant concern for campus safety has been assessed;
- The Complainant opts for a formal investigation;
- Attempts for informal/early resolution have failed to find a mutually agreeable solution;
- The Title IX Coordinator determines informal/early resolution options are not appropriate.

When any of these situations occur, the Title IX Coordinator initiates an investigation following the procedures and standards outlined in Executive Order 1096 and 1097.

4) Number of sexual misconduct, dating or domestic violence, and stalking reports that were resolved without investigation: 26

a) Early resolutions: 6

Type of Report	Outcome
Dating Violence	Complainant wanted no action beyond a No Contact Order, to which Respondent agreed.
Sexual Misconduct	Reports of a student organization sponsored event involving groping and other violations of women on the dance floor. The organization worked with appropriate administrators to alter the event to increase security and training for participating volunteers.
Sexual Misconduct	Groping allegations resolved with agreement of the parties to have no further contact and education meeting for the Respondent.
Sexual Misconduct	Complainant wanted a No Contact Order and the Respondent's housing assignment changed, to which Respondent agreed.
Sexual Misconduct	Complainant wanted a No Contact Order and the Respondent to be on probation and demonstrate understanding of affirmative consent (accomplished through meetings with the Title IX Coordinator), to which the Respondent agreed.
Dating Violence	Complainant wanted a No Contact Order and the Respondent's housing assignment changed, to which Respondent agreed.

b) Other outcomes: 20

Type of Report	Resp. Unaffiliated or Unknown	Not Enough Information For Violation	Honored Request Not to Pursue
Sexual Misconduct	7	2	2
Dating/Domestic Violence	6	0	1
Stalking	1	1	0
Totals	14	3	3

i. Unaffiliated/Unknown

At times, reporters are not the person having experienced sexual misconduct and thus may not know the identity of one or more parties. At other times, reporters opt to not identify, or are not aware of, the Respondent's name and/or affiliation. When the person at issue is identified as a third party, the campus has no jurisdiction to take action against that person but will seek to provide support services and prevention efforts for the Complainant. Prevention efforts may involve safety planning for the individual, or work with the University Police Department for concerns of safety that could impact the campus community.

ii. Not Enough Information for a Potential Policy Violation

Sometimes information provided to the Title IX office is insufficient to establish a potential policy violation. This typically occurs when the reporter is not the person experiencing the alleged violation and is relaying third or fourth-hand information. In these instances, typically the actual Complainant opts not to participate and thus no further information can be obtained to move the matter forward.

In two (2) instances, information obtained indicated the report did not constitute allegations of an actual policy violation.

iii. Honor Request to Not Pursue Action

When a Complainant requests that no action be taken, the campus will assess that request pursuant to the standards outlined in policy for ensuring the safety of the parties and the campus community. In utilizing a neutral, fair and thorough trauma informed model of response, the Title IX Coordinator will honor such requests whenever possible. If the Title IX Coordinator has no basis for concern that the Complainant or other members of the community are likely at risk, the request to not pursue action may be honored. In these instances, the Complainant may still request and receive interim measures and assistance from the various support services on campus. In the event there is a risk that necessitates proceeding over the Complainant's objection, utilization of the trauma informed model continues, with empowerment of the Complainant to otherwise make decisions on his/her/their own behalf as much as possible.

In some instances, the report of a possible violation is made through a third party and attempts to reach the Complainant directly are not successful. In these instances, the lack of correspondence is treated as a request to not pursue with the above referenced analysis utilized.

5) Number of sexual misconduct, dating or domestic violence, and stalking investigations in which the respondent was found to have violated CSU executive orders, including a description of the final sanction: 2 (2 pending and undetermined)

Type of Report	Outcome
Sexual Misconduct	Expulsion due to aggravating factor of multiple assaults on the same person
Sexual Misconduct	Expulsion due to aggravating factors of multiple assaults on multiple people, all leaving bodily injury

6) Number of sexual misconduct, dating or domestic violence, and stalking investigations in which the evidence was found insufficient to hold the respondent responsible: 0 (2 pending and undetermined)

7) Number of cases where Interim Remedies were provided to both Complainants and Respondents: 11

In every case where the Complainant is identified and affiliated with the campus, the Campus Resource Sheet and point of contact for assistance/interim remedies is provided. When identified with contact information, Complainants not affiliated with the campus are provided opportunities to express any needs for assistance. In nine (9) instances, one or more interim remedies were provided in the form of:

- Housing reassignments
- Academic Accommodations
- No Contact Orders
- Safety Planning
- Interim Suspension of the Respondent

Complainant Affiliation	Total Reports	Interim Remedies
CSUMB affiliate	30	9
Identity Unknown/Undisclosed	0	0
Identity Known and Not Affiliated with CSUMB	0	0

Likewise, all identified and affiliated Respondents are advised of resources and their point of contact for assistance/interim remedies. In two (2) instances a Respondent requested and received accommodations during the pendency of processes.