



## Annual Title IX Report

AY 15-16

October 1, 2016

CSUMB is committed to efforts for preventing and responding to occurrences of sexual misconduct, dating/domestic violence, and stalking, as defined in CSU Executive Order 1096 and 1097<sup>1</sup>. 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 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	Resp. Unaffiliated or Unknown	Not Enough Info. For COA	Honor Request to Not Pursue
Pending	1	1	0	0	0	0
Sexual Misconduct	17	3	0	4	6	4
Dating/Domestic Violence	8	0	2	3	1	2
Stalking	10	0	3	4	1	2
<b>Totals</b>	<b>36</b>	<b>4</b>	<b>5</b>	<b>11</b>	<b>8</b>	<b>8</b>

<sup>1</sup> EO 1096 is the policy applicable to employees, and EO 1097 is the policy applicable to all students

<sup>2</sup> This number represents the total reports that received interim remedy – there is some

### **1) Pending: 1**

This number reflects the number of sexual misconduct, stalking, and dating/domestic violence cases that were reported in the 2015-16 Academic Year but remain unresolved at the date of this report.

For the case pending, the Title IX investigation and appeal timeline is complete, with a sanction hearing conducted by the Student Conduct Administrator. The results of that hearing have not been finalized at this time to know the outcome of the case.

### **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: 11**

**d) unknown: 11**

At times, reporters are not the person having experienced sexual misconduct, dating/domestic violence, or stalking, 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/Survivor. Prevention efforts may involve safety planning for the individual, or work with the administration and/or 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: 3 (+1 pending)**

Formal investigations are initiated in a number of ways:

- The Complainant is either choosing to not participate in the process or does not wish to pursue early resolution options;
- Attempts for early resolution have failed to find a mutually agreeable solution;
- The Title IX Coordinator determines early resolution options are not appropriate.

When any of these situations occurs, the Title IX office 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: 32**

**a) early resolutions: 5**

Type of Report	Outcome
Dating Violence	<b>1 year suspension, readmission conditioned on completion of court approved DV rehab program and continuing disciplinary probation through graduation</b>
Dating Violence	<b>Mitigating circumstances with SA – 1 year disciplinary probation, prohibited from residing in campus housing facilities through graduation, assessment</b>
Stalking	<b>Mitigating circumstances with disability – 1 year disciplinary probation, No Contact Order</b>
Stalking	<b>Agreement to avoid contact in the workplace and attempt no further engagement of the person</b>
Stalking	<b>Disciplinary probation through graduation, No Contact Order, Restrictions on timing of certain program to avoid both parties in same place at same time, assessment</b>

**b) other outcomes: 27**

Type of Report	Resp. Unaffiliated or Unknown	Not Enough Info. For COA	Honor Request to Not Pursue
Sexual Misconduct	<b>4</b>	<b>6</b>	<b>4</b>
Dating/Domestic Violence	<b>3</b>	<b>1</b>	<b>2</b>
Stalking	<b>4</b>	<b>1</b>	<b>2</b>
<b>Totals</b>	<b>11</b>	<b>8</b>	<b>8</b>

*i. Unaffiliated/Unknown*

At times, reporters are not the person having experienced sexual misconduct, dating/domestic violence, or stalking, 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/Survivor. Prevention efforts may involve safety planning for the individual, or work with the administration and/or University Police Department for concerns of safety that could impact the campus community.

*ii. Not Enough Information for Cause of Action*

Sometimes information provided to the Title IX office is insufficient to state a cause of action. 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/Survivor opts not to participate and thus no further information is obtained to move the matter forward.

In two (2) instances, there was additional information obtained that indicated the report did not constitute allegations of an actual policy violation:

- 1) A possible stalking violation was reported by a third party, but with further review it was determined the matter involved an isolated social media post and thus didn't meet the threshold for two or more instances.
- 2) A possible sexual misconduct violation was reported by a third party relaying the Complainant had requested sexual activity stop (AKA a withdraw of affirmative consent), and the request was not heeded. Upon direct contact with the Complainant it was confirmed that she did consent to activity up until the point she said stop, and all activity did cease upon that expression thus no violation of the consent standards was alleged.

*iii. Honor Request to Not Pursue*

When a Complainant/Survivor requests that no action be taken, the campus will assess that request pursuant to the standards outlined in policy and national best practices for ensuring the safety of the parties and the campus community. In utilizing a trauma informed model of response, the Title IX office will honor such requests whenever possible. If the Title IX office has no substantial basis for concern that the Complainant or other members of the community are likely at risk, it can honor the request to not pursue a Title IX remedy. 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/Survivor 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 held responsible, including a description of the final sanction: 3**

Type of Report	Outcome
<b>Sexual Misconduct</b>	1.5 year suspension, No Contact Order. Upon re-enrollment: No Enrollment at specified campuses where complainant may attend, complete alcohol awareness course, complete sexual assault prevention training every semester through graduation, prohibition of living in campus housing or visiting residence halls in which the Complainant may reside
<b>Sexual Misconduct</b>	1.5 year suspension, No Contact Order. Upon re-enrollment: No Enrollment at Specified Campuses Where Complainant May Attend, complete alcohol awareness course, complete sexual assault prevention training every semester through graduation, prohibition of living in campus housing or visiting residence halls in which the Complainant may reside
<b>Sexual Misconduct</b>	Respondent has been unaffiliated from the campus from the time of the report and non-responsive, so an indefinite registration hold has been placed on his CSUMB account.

**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**

In five (5) instances, Respondents agreed to early resolution prior to any findings (see 4a above). In two (2) instances, there was additional information obtained that indicated the report did not constitute allegations of an actual policy violation (see 4b above).

**7) Number of cases where Interim Remedies were provided: 10<sup>2</sup>**

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 one (1) instance during this reporting period, a non-affiliated Complainant requested and received assistance with transportation issues to return home. In nine (9) other instances, one or more interim remedies were provided in the form of:

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<sup>2</sup> This number represents the total reports that received interim remedy – there is some overlap in that with some reports both parties may receive assistance.

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

<b>Complainant Affiliation</b>	<b>Total Reports</b>	<b>Interim Remedies</b>
<b>CSUMB affiliate</b>	25	9
<b>Identity Unknown/Undisclosed</b>	9	0
<b>Identity Known and Not Affiliated with CSUMB</b>	2	1

Likewise, all identified and affiliated Respondents are advised of resources and their point of contact for assistance/interim remedies. In one (1) instance a Respondent requested and received academic accommodations during the pendency of investigation.