

Title IX Task Force Recommendations Report



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Title IX Task Force Recommendations Report: Submitted December 2022

Background

In February 2022, USA Today published several articles that thrust Fresno State into the national spotlight for its response to reports of Title IX violations involving former Vice President of Student Affairs and Enrollment Management Frank Lamas. In addition to concerns raised by campus community members, both the California state legislature and the California State University (CSU) system called for investigations and demanded changes. To this end, the CSU Board of Trustees (BOT) hired Mary Lee Wegner, an attorney specializing in Title IX, “to conduct a neutral, privileged investigation regarding the sufficiency of CSU-Fresno’s (“the Campus”) responses to reports of Dr. Frank Lamas’ (“Lamas”) alleged sexual harassment and workplace misconduct between July 1, 2014 and November 4, 2019” (Wegner, 2022). In addition, Cozen O’Connor, a national law firm with Title IX expertise, was hired by the Chancellor’s Office (CO) on behalf of the BOT to conduct a system wide assessment of the CSU’s implementation of its Title IX/DHR (Discrimination, Harassment, and Retaliation) programs at each of the 23 CSU campuses. Finally, the California Legislature’s Joint Committee on Legislative Audit (JLAC) has initiated a third audit. Fresno State is among the select few CSU campuses that will participate in this audit.

As the media accounts came to the fore, Fresno State students, faculty and staff reeled from the pain of the abuse and trauma caused by Lamas’ reported acts of sexual harassment and workplace misconduct. The hurt, anger, distrust, and disillusionment were palpable on campus and in the larger community. Several listening and healing sessions reflected the consensus that Fresno State must address the issues raised and take action to ensure that these types of institutional failures will never be repeated. President Jiménez-Sandoval vowed that Fresno State will be a leader and model for preventing and responding to Title IX and DHR matters. To this end, he created the Title IX Task Force (TF), which is comprised of members representing faculty, staff, students, and the larger community.

The TF was charged with the following:

- Ensure that Fresno State will excel in preventing and combating sexual harassment and assault.
- Identify strategies for building a culture of trust and a transparent process for reporting and responding to incidents of sexual harassment and assault.
- Identify strategies for addressing challenges in areas outside of Title IX and DHR (i.e., bullying, hate/bias incidents, etc.) that are critical to creating a welcoming, inclusive, equitable and just community of care and respect.
- Review and respond to external assessment recommendations.

The TF was also charged to work closely with Cozen O’Connor by providing guidance for data collection, analysis, and recommendations pertaining to:

- CSU policies that guide matters relating to DHR and Title IX.

- Reporting procedures and how the campus interfaces and coordinates with the CSU Office of Title IX and the CSU Office of General Counsel.
- The complaint process and resources provided during the investigative process (e.g. police report, early resolution, mitigating steps such as no-contact orders) and the timeline for such processes to reach resolution/findings (including the appeal process).
- Information necessary to assess the sufficiency of existing Title IX and Survivor Advocate staffing and resources.
- Data and metrics (case management) contained within annual Title IX reports that are submitted to the Chancellor’s Office.
- Implementing strategies to support cultural change and excellence in sexual harassment and assault prevention, reporting, response, and support.
- Documentation requested by Cozen O’Connor necessary to fulfill the scope of the assessment.

The TF was asked to provide recommendations to President Jiménez-Sandoval in December 2022.

Timeline and Scope of Work

The TF received its charge in early May 2022 and began meeting in earnest when the Spring 2022 semester ended. The TF began with a three-day retreat that provided the foundation for understanding federal and state laws, as well as Executive Orders (EOs) pertaining to both Title IX and DHR. The TF dissected various pertinent definitions –sexual assault, dating and domestic violence, stalking, and harassment. Another key piece of the retreats was devoted to understanding the policies and procedures, timelines, and stakeholders involved in the reports brought forward to Title IX, DHR, the Office of Faculty Affairs (OFA), and law enforcement, as well as confidential disclosures to the Survivor Advocate Services (SAS). The TF learned about the policies and procedures for addressing the umbrella term of unprofessional conduct that is inclusive of all behaviors and actions that do not rise to the level of Title IX/DHR including, but not limited to: bias, bullying, and macro/micro-aggressions. Finally, the TF retreat ended with learning about campus and community resources which offer supportive measures and resources and provide prevention and education programs. The TF met weekly, sometimes for several hours at a time, to delve more into the topics presented. The TF also held two listening sessions with a panel of undergraduate and graduate students – “The Student Voice.”

During summer 2022, Cozen O’Connor began their assessment at Fresno State. In addition to a document review, Cozen O’Connor met with campus implementers to better understand how Fresno State’s Title IX/DHR programs function. Gina Smith and Leslie Gomez met with individuals representing: Athletics, Cross Cultural and Gender Center (CCGC), LGBTQ/Gender/Men’s Success and Initiatives, DHR Administrator, General Counsel, Health Services, Counseling and Psychological Services, CARE Team, Health Promotion/Education, Human Resources (HR), Fresno State University Police Department, Office of Faculty Affairs (OFA), Residence Life/Housing, Student Conduct, Survivor Advocacy Services, Title IX Coordinator, as well as administrators (e.g., President, Provost, AVP for Human Resources (HR), VP for Administration and Finance (oversees HR), and VP for Student Affairs/Dean of Students).

Cozen O'Connor also received requested policies, reports, and data. A preview of their findings and observations was presented to the TF in late summer and included the opportunity for the TF to raise questions and discuss their assessment to date. Cozen O'Connor shared several preliminary recommendations with the TF including: the consolidation of Title IX/DHR offices into a centralized report, resource, and response office; ensuring that individuals did not hold multiple positions that might preclude their effectiveness (e.g., Title IX Coordinator also responsible for Clery); ensuring that individuals did not have other institutional responsibilities that could create a conflict of interest (i.e., AVP with responsibility for Human Resources (specifically employee discipline) should not also be the DHR Administrator); greater funding/resources to support the Title IX/DHR program; thorough documentation of the reporting, investigative, and adjudicative processes with data available in a downloadable format; recognizing the care-compliance continuum; and having the survivor advocate involved earlier in the process. Cozen O'Connor suggested creating a multidisciplinary intake/initial assessment team to review Title IX/DHR matters in a coordinated manner that would function in a cross-campus collaborative similar to the campus CARE Team. Cozen O'Connor also identified concerns about students not knowing/understanding Title IX or the process and needing earlier supports. These concerns are exacerbated for students of color and other marginalized student populations (LGBTQIA+, undocumented students, international students), which necessitates prevention/education to address these matters. For those issues that do not meet the policy definitions of Title IX/DHR, policies/processes and additional employee relations specialists need to be in place to address reported unprofessional conduct. Given the lack of resources identified system wide, Cozen O'Connor suggested a system wide pool of individuals who can be called upon to serve as campus investigators, as needed. The TF discussed and concurred with these recommendations, which will be outlined in greater detail below. The full Cozen O'Connor report, including recommendations, is forthcoming.

In August 2022, the TF continued to meet weekly as a full group, but also began to work in four specific areas: (1) Communication and Web Presence, (2) Policy, (3) Process, and (4) Prevention, Education, and Training. Each TF member elected to serve on one or more subcommittees, working through a variety of issues to determine appropriate recommendations in each area.

Throughout the fall semester, the TF held listening sessions to give voice to those faculty, staff, and representatives from the Academic and Student Affairs Leadership Teams, Asian Faculty and Staff Association (AFSA), Auxiliary Services, Black Faculty and Staff Association (BFSA), Council of Chairs, Dream Success Center, LGBTQIA+ community, Services for Students with Disabilities (SSD), Student Conduct, and the Women of Color Coalition. The TF heard consistent concerns pertaining to: reporting, transparency of the process, the need for more comprehensive and trauma-informed training, as well as more supportive measures. Those who represented affinity groups also requested the opportunity to more broadly participate in campus decision making processes. While they recognize that this is outside of the scope of the Title IX TF charge, this request is in alignment with Title IX policy and equity in higher education.

In September 2022, the TF reviewed the first of the three external investigative reports, “Summary Investigation Report California State University-Fresno” authored by Mary Lee Wegner. The TF discussed the report and concurred with the findings set forth by Wegner, including concerns that heavy caseloads contributed to a lack of notice and a lengthy process. Additionally, more could have been done earlier in the investigative process. The TF recognized that issues pertaining to gaps in record keeping and documentation were problematic. Likewise, a 360 evaluation of Management Personnel Plan (MPP) administrators could have highlighted misconduct and brought issues to the fore at an earlier time. The TF concluded that greater checks and balances are needed to ensure that future like transgressions are better identified and addressed.

During Fall 2022, the Task Force collaborated to create recommendation themes pertaining to:

- *Campus Climate and Culture*
- *Structure*
- *Process*
- *Policy*
- *Assessment*
- *Implementation*

This report will delve into each area and provide specific recommendations. It should be noted that these areas of recommendation often overlap, as they are not siloed. As such, there may be some degree of repetition in the recommendations as an issue is pertinent in multiple areas. The recommendations outlined herein represent the collective work of the Task Force, but are not necessarily indicative of the views of individual members.

The collective work of the TF prioritized several values that are the foundation of and integral to each of the recommendations. These values are rooted in the commitment to foster: (1) a campus culture that is safe and welcoming, (2) a structure that encourages and is responsive to reporting, (3) increased trust and transparency in the process, (4) policies that will address and provide meaningful resolution to unprofessional conduct, and (5) a system of ongoing assessment to measure progress and further modification. Each of the recommendations below are designed to reinforce these values.

Campus Climate and Culture

The Title IX Task Force was charged to: *Ensure that Fresno State will excel in preventing and combating sexual harassment and assault.*

Based upon the TF discussions, our goal is to create a campus culture that understands Title IX/DHR matters, reporting processes, and the importance of being upstanders for each other – “see something, say something.” We firmly believe that education and the opportunity for engaged dialogue are key to prevention and intervention. It is our fervent hope that knowledge is power and

that our campus will be a place where unprofessional conduct will not be tolerated; people will speak up for one another; and people can study and work without fear.

The TF identified the following core principles related to prevention and education: expanded opportunities for learning with a more relevant online module and expansion of campus programming that is culturally-competent and trauma informed, as well as a marketing campaign to raise awareness and encourage participation.

The TF offers the following recommendations:

- Review and revise the existing mandatory online modules for students and employees.
- Expand campus programming to include routine and interactive opportunities for in-person engagement to supplement the mandatory online module.
- Ensure that content is comprehensive, culturally sensitive, trauma-informed, and relevant.
- Enhance training for academic deans and department chairs.
- Create a marketing campaign to raise awareness and drive cultural change.
- Review Collective Bargaining Agreements to facilitate increased participation in and completion of training programs.
- Enhance web-based presence and access to information.

We expand on each of these recommendations below.

Review and revise the existing online modules for students and employees. The TF believes that it is absolutely imperative that we create a campus culture in which individuals understand Title IX/DHR, if you see something/say something, how to make a report, and the process. This could be best accomplished by providing foundational online training, which is supplemented by in-person trainings with the opportunity for interactive engagement and discussion. With regard to the current online training provided by the system, the TF feels that the program is inadequate, as it does not recognize the diversity of our campus community, examples are not realistic to personal experiences, and it is too legalistic, focusing too much on policy compliance and not on the personal aspects of being involved in Title IX/DHR. In addition, TF members found that the current online program lacks cultural competence, intersectionality, and is not trauma informed. The TF suggests that the system wide current online training be replaced with a new online module that addresses these issues. If possible, it was suggested that the new online program be an immersion type of virtual reality training that can be tailored more directly to Fresno State, rather than the existing module that has a system wide focus. Despite the limitations of the current module, an online modality will still be needed as it allows for the greatest ability for outreach/participation and for accurate tracking/compliance purposes.

Expand campus programming to include routine and interactive opportunities for in-person engagement to supplement the mandatory online module. The TF recommends the development of ongoing in-person trainings. This can occur in both curricular and co-curricular settings as follows:

- Academic courses

- Dog Days Orientation
- Leveraging campus resources

Academic courses. The TF recommends integrating Title IX/DHR information into academic courses either via the creation of a new 3-unit semester long course perhaps in General Education (GE), First Year Experience (FYE) classes, and/or major courses. Another option is to develop a 1-unit elective course that may appeal to students who need to complete a single unit for financial aid or graduation. It is suggested that these courses be badged or be part of an academic certificate or micro-credential to increase interest/participation. The TF also recommends adding a section to the syllabus template regarding Title IX/DHR training and resources, as well as a module within Canvas and a section within the MyFresnoState portal with the same to increase awareness and participation.

Dog Days Orientation. Additional Title IX/DHR content and learning activities can be incorporated into the Dog Days welcome orientation. By doing so, this gives students and loved ones the opportunity to gain a basic understanding about Title IX/DHR during their first time on-campus. This serves to build a culture of understanding of the importance of Title IX/DHR, reporting and resources, and to encourage compliance with the mandatory online module and participation in supplementary in-person learning opportunities throughout students' time on-campus.

Leveraging campus resources. The TF recommends leveraging existing campus resources to increase student participation with outreach to: Associated Students Inc. (ASI), Athletics, Cross Cultural Gender Center (CCGC) and affinity groups, Dreamers, Greek Life, our LGBTQIA+ community, Office of Black Student Success, Peer Ambassadors for Wellness (PAWs), Student Clubs and Organizations, and to initiatives/programs that engage men. In order to increase participation, it will be important to work with the campus community (e.g., deans, chairs, and advising centers) to highlight how this knowledge can be beneficial while on campus and in future careers. The TF also suggests incentives for attendance such as a raffle, extra credit/assignments for courses, and having snacks available. For campus presentations that are not integrated into a course, the TF recommends a minimum of 45 minutes of training and Question and Answer (Q&A) for students.

The TF recommends that employees receive on-going training to include the mandatory online module with opportunities to attend supplementary in-person Title IX/DHR training. These in-person trainings can occur during on-boarding or meetings for faculty/staff, departments, units, and/or divisions. To encourage employee compliance, it is recommended that auto-generated reminders be sent when the training deadline has passed with a copy also sent to the direct supervisor. This allows the supervisor to reiterate the importance of the training and to address non-compliance with the training in the annual evaluation with progressive discipline as merited. For those areas that have all-staff meetings, it is suggested that one session can be used for Title IX/DHR training and/or to allow the time to be used for completion of the online module. A raffle or other comparable incentive is a good way to increase participation for in-person trainings, which are typically preferred because they get staff out of their work area and the sessions are more interactive. To increase faculty participation, compliance with training can be added to the Retention, Tenure, and Promotion (RTP) process, as well as in subsequent evaluations when tenure

is achieved. Lack of compliance with Title IX/DHR training can result in a disciplinary memo being placed in the faculty personnel file, as well as the ineligibility for course reductions and sabbaticals. The TF recommends a minimum of 60 minutes of training and Question and Answer (Q&A) for employees.

The TF recommends that Title IX/DHR and/or SAS facilitate these trainings, which will help those working within these offices to be better known and less intimidating. A train-the-trainer model can also be used to train those working within Title IX/DHR and SAS to help raise awareness about these offices and those working within them. The broad-based training will also help these offices to be less intimidating for those who may need to reach out to make a report.

Ensure that content is comprehensive, culturally-sensitive, trauma-informed, and relevant. It is imperative that any training, whether online or in-person, must cover the following topics: cultural competence with a Diversity, Equity, and Inclusion (DEI) lens with a specific emphasis on bias and unconscious bias, color blindness, race lighting, and anti-Blackness, intersectionality, and working with people with disabilities including those on the autism spectrum. Of equal importance includes topics that address, upstander response; accountability training (respondent oriented); and informed consent. All training must be trauma-informed with sensitivity and empathetic listening to address intervention and avoid retraumatization. This is best served with training tracks with targeted outreach to the diversity of our campus audiences (e.g., Asian, Black, Dreamers, Hmong, Latinx, LGBTQIA+, Native Americans, and other affinity groups). The TF believes that this will assist in building a culture of understanding Title IX/DHR and reporting. The TF recommends campus wide participation in on-going training inclusive of the President, the President's Cabinet, all MPPs, faculty, staff, and students. Ideally, the training will be multi-lingual and be part of an overall comprehensive sex education and healthy relationships/wellness campaign not only for Fresno State, but in collaboration with community partners (e.g., K-16, survivor services, and allied community-based organizations).

Enhance training for academic deans, department chairs. In looking at the Title IX/DHR and disciplinary processes, the TF recognizes that currently potential Title IX/DHR/unprofessional conduct situations are often brought to the attention of chairs and/or deans. Yet, neither is very well equipped to know how to respond or to de-escalate the situation. As such, the TF recommends the creation of a training - *Chairs and Deans College* - to address topics such as: conflict resolution skills, decision making and perception of retaliation, upstander responses, and autonomy to act in addressing issues before/during an investigation. It is important to understand, identify, and intervene to address micro-aggressions early as they may lead to a Title IX/DHR matter. This training will be conducted by staff representing Title IX/DHR, HR, OFA, and/or others with expertise in relevant topics. It is important that these trainings focus on trauma-informed care and sensitivity to ensure that issues are not minimized and survivor trauma, secondary trauma, and revictimization are understood. The additional training will help chairs and deans to be empowered to use the disciplinary process as issues arise earlier with resolutions, so that concerns will not rise to the level of formal disciplinary actions. The TF also suggests an examination of chairs' compensation and 12-month appointments to better equip them to address issues more thoroughly and in a more timely manner before matters escalate.

Create a marketing campaign to raise awareness and drive cultural change. One of the current challenges with Title IX/DHR training is a lack of compliance in completing the training. As such, the TF recommends that we drive change in the campus culture through a campus wide marketing campaign that raises awareness about what Title IX and DHR mean as many people still lack a basic knowledge of both. Continuous messaging will be required to highlight the importance of the training, reporting (see something/say something), the process, and resources. The marketing campaign also must address overall campus safety including, but not limited to: law enforcement accompaniment/escorts, blue lights on campus, campus lighting, and the appropriate offices to contact regarding reporting dark/dangerous areas on campus. Other aspects of increasing campus awareness include working with existing individuals (e.g., University Diversity Officer) and offices (e.g., Office of Organizational Excellence) to infuse these issues into broader campus discussions and activities/events. The TF recommends that Title IX/DHR and HR not be viewed as compliance-only offices, but rather as centralized report, resource, and response offices where community members can access supportive measures, seek individual and community remedies, and pursue procedural options for resolution. This can occur with marketing and participation in office open houses or health/wellness fairs on-campus, so that the campus community can see and learn about the people working in the offices. While the office may require neutrality, having the people working in those offices participating in efforts outside of compliance, but still tied to their primary work responsibilities, will help to build a culture of trust and support for their work.

Review Collective Bargaining Agreements to facilitate increased participation in and completion of training programs. The TF suggests working with the California Faculty Association (CFA) and Joint Labor Council (JLC) to update the Collective Bargaining Agreements (CBAs) to include compliance with the Title IX/DHR training and to hold people accountable for not reporting. In terms of faculty, the TF suggests that those faculty who do not comply with the training must not be eligible for sabbatical, course reductions, or professional development monies, and/or receive reprimand letters in their personnel file. For those who express concerns about current training, alternative appropriate options need to continue to be provided so as to not be triggering and/or retraumatizing. In terms of staff, it is recommended that there is more emphasis placed on why the training is important and compliance is needed.

Enhance web-based presence and access to information. Other avenues to raise campus awareness and build a campus culture will include web presence specifically adding the Care and Action Guide to the Quick Links on the main page of the Fresno State home page and adding a *Help* button (to the Care and Action Guide) on every website that links to Title IX/DHR websites. The TF also suggests separating DHR from the HR website, so that it is more prominent and is easier to find. The TF noted several concerns regarding web presence and suggest several changes including: the need for multilingual search possibilities and adding more words (e.g., assault, violence, and the like) to the search functions to more readily access Title IX/DHR. The TF also suggested that pictures of Title IX/DHR staff be added for greater name/face recognition. This will assist with the appearance of being friendly/welcoming and not just policy/compliance oriented. Websites also need more information and resources specific to the culture and diversity of our campus (e.g., Dreamers and LGBTQIA+ to name a few). For visual learners, the TF also suggests adding pictures, infographics, flow charts, and quick 30-second/1-minute videos explaining policies and neutrality requirements, operational definitions, and process. Finally, the websites

need to be user friendly across multiple platforms including cell phones. The TF recognizes that changes to the Title IX website will be made in consultation with the CO and in compliance with AB 1968.

Structure

The Title IX Task Force was charged to: *Identify strategies for building a culture of trust and a transparent process for reporting and responding to incidents of sexual harassment and assault.*

Based upon the discussions, our goal is to: create a type of one-stop shop with the consolidation and expansion of Title IX/DHR with Survivor Advocacy Services (SAS) in a centralized location.

The TF offers the following recommendations:

- Centralize Title IX and DHR functions into one report, resources, and response office.
- Move the Title IX/DHR office to a more central, visible, and accessible location.
- Remove SAS from the Student Health and Counseling Center.
- Provide additional resources to support employee relations.

We expand on each of these recommendations below.

Centralize Title IX and DHR functions into one report, resources, and response office.

The TF recognizes that the current lack of resources and staffing in the Title IX/DHR offices significantly contributes to the stakeholder dissatisfaction with their respective processes particularly as it relates to the length of time at intake for a case to get triaged to the appropriate track for investigation and then resolution. To this end, the TF recommends a complete restructuring of these offices such that Title IX/DHR be consolidated in a single office with DHR taken out of HR (see Attachment A). Currently, Title IX and Clery compliance are consolidated under Title IX. The TF agrees that these should remain consolidated within the same centralized office.. The TF recommends that oversight for the consolidated Title IX/DHR office be with a single individual who will lead the office and oversee Title IX, DHR (referred to Title IX/DHR Director herein), and Clery compliance functions. The specific title and position description for the Title IX/DHR Director should be developed by the University. This position will have oversight over three positions: the Deputy of Title IX (began in August 2022), the Deputy of DHR (began in December 2022), and a third full-time deputy position. The delineation of tasks between these 3 deputies should be determined by the Title IX/DHR administrator, and should include liaising with the Athletics Department and overseeing Clery Act compliance functions. The Title IX/DHR Director will coordinate all activities to ensure a seamless process for responding to reports and ensuring prompt and equitable resolution processes. The Title IX/DHR Director will also provide support and backfill to each of the deputies, as needed. This office, through the Office of General Counsel, will continue to contract with external investigators who will conduct investigations to respond to formal Title IX/DHR complaints. As additional investigators are needed, they must be hired at the campus and/or regional level (please see the section on *Process* for more detailed description of regional structure for hiring investigators) to provide timely investigative support.

The Deputies of Title IX and DHR will provide case management support and will assist with varied complex duties, tasks, and projects in accordance with policy and administrative compliance, including training and outreach efforts related to their respective programmatic areas. The Deputies are responsible for supporting the implementation of significant aspects of university compliance with California State University (CSU) Policies regarding discrimination, harassment, and retaliation on the basis of sex or gender among employees, students, and third parties. The newly created Deputy of DHR will be responsible for receiving and responding to reports involving DHR concerns. This includes tracking and monitoring patterns and trends in reporting related to culture and climate, and potentially working with a broader bias incident response protocol to help facilitate early intervention into issues that may not rise to the level of a policy violation. The deputies will meet at least weekly with the Coordinator of Title IX/DHR to discuss case management for a coordinated and streamlined response.

The consolidated office will also need to hire a Training and Outreach Specialist (1 new position) who is responsible for mapping to identify all training needs for comprehensive campus wide prevention and education programming inclusive of campus climate and wellness. This person will need to work with subject matter experts from across campus to identify appropriate topics for inclusion in programming. This person will be responsible for coordinating all training programs and outreach to various constituencies to increase participation. Finally, this person will be responsible for training compliance tracking, and assessment of campus programming.

The Director of Title IX/DHR will report to a Vice President (VP) as required by CSU policy. The TF recommends that the VP is someone with understanding of DEI because the issues that will be brought to this consolidated office will not only focus on Title IX/DHR, but other inequities that require immediate intervention and support. However, the TF does not want the University Diversity Officer (UDO) to serve in this capacity, as the UDO function is not involved in oversight of the compliance aspects of Title IX/DHR. The TF recognizes the inherent challenges that the compliance pieces raise and the perception of the role of the UDO position. As such, the TF does not want to complicate the important role that the UDO will have in building a campus culture of belonging and inclusiveness. The TF recognizes that the UDO will work with the consolidated office, but should not have direct oversight.

The new Deputy positions will be responsible for supporting Clery compliance, data collection/analysis, assessment, report writing, and facilitating training. Responsibilities include assisting in the development, revising, and maintenance of the campus specific Clery Act compliance programs, policies, and procedures. Responsibilities also include working with the Fresno State Police Department to ensure all reported statistics are included in the crime log and conferring with the appropriate officials for the campus timely warning and emergency notifications. The TF recommends that one person have primary responsibility for Clery functions, with an ongoing assessment to ensure that this staffing model appropriately allows the University to demonstrate and maintain administrative capability, effective practices, and checks and balances for sustainability.

As the first point of contact, the TF recommends hiring at least one Program Coordinator to serve as a case manager (1 new position) who will be the first line of receiving reports, providing supportive measures, and helping to identify the appropriate path for resolution. Given the

diversity of the campus, it is preferred that the Program Coordinator be multi-lingual. The Title IX/DHR administrator should monitor the volume of reports, workflow, and responsiveness to determine whether one Program Coordinator is sufficient to fulfill the intake and case management functions, particularly if there is an expected rise in reports following expanded prevention, education, and outreach efforts. The Program Coordinator will be responsible for triaging reports to the appropriate track (Title IX, DHR, OFA, and/or Student Conduct), in consultation with the Director of Title IX/DHR, and will work with complainants and respondents to answer questions, alleviate concerns, and provide resources. The Program Coordinator will serve as a liaison with other departments, including labor and employee relations, academic affairs, and student affairs, working closely with deputies as reports are assessed by the appropriate office and will provide case status notifications to complainants/respondents at least twice a month. The Program Coordinator will collaborate with survivor advocates to ensure that complainants receive information about how to access campus/community resources.

Move the Title IX/DHR office to a more central, visible, and accessible location. The consolidation of Title IX (inclusive of Clery Compliance) and DHR is imperative as it allows for greater collaboration on matters that often overlap. The location for the consolidated office is of equal importance as currently Title IX is housed on the fourth floor of the library, which can be intimidating for many, as well as raising privacy concerns. Likewise, having DHR within HR is not ideal particularly for students. As such, the TF proposes a centralized location, perhaps the University Student Union, which is an open and welcoming space to the entire campus community. Likewise, the reason why individuals are going to this location are multi-faceted and the stigma of going to Title IX/DHR can be more readily masked. The consolidated office structure and location will be implemented in early January 2023.

Remove SAS from the Student Health and Counseling Center. The TF recommends that Survivor Advocacy Services (SAS) be taken out of the Student Health and Counseling Center, as this is typically a place that is associated with students and not one for employees, and that it be placed adjacent to the consolidated Title IX/DHR office. This allows for greater collaboration between the offices, as well as less stigma in needing to use these services. If SAS moves, it must continue to have a space for reception, so that complainants will not knock on the advocate's door and disrupt existing meetings. For safety reasons, an alternate exit/entrance must be available. Ideally, SAS will be staffed with a Survivor Advocate Director (current role held by the Survivor Advocate). This position will supervise and provide leadership of the SAS including data collection/annual reports, budgeting/purchasing, as well as serving as an advocate. Additional staff will include 3 advocates (2 new positions with 1 hired who begins in January 2023) with responsibilities as follows: 1 will focus on working with students, 1 will work with employees, and 1 will work with all survivors. These positions are crucial to this process because they are confidential, and each will be cross trained to be able to provide back-up/support, as needed. It is recommended that these advocates be multi-lingual to be reflective of the diversity of our campus community. Finally, two part-time paid student assistants (1 new half-time position) will assist with prevention, education, and outreach. The TF recognizes that SAS and the campus community can also benefit from student volunteers and interns.

At first blush, it appears that the survivor advocates and the Program Coordinator are redundant positions. However, when exploring this further, the TF found that these are in fact separate and distinct functions and both need to be supported. SAS specializes in providing

emotional support and crisis counseling for cases involving sexual misconduct (assault/rape/sexual harassment), dating and domestic violence, and stalking. SAS also provides information and supports regarding how to report an incident to law enforcement, understanding the criminal justice process, and campus/community resources that address academic and/or work impacts. In contrast, the Program Coordinator will address the breadth of issues that come into a consolidated Title IX/DHR office including unprofessional conduct, which is outside of the scope of the SAS. ISCs will serve as an initial point of contact to triage, provide direction, to shepherd individuals through the process, ensure that supportive measures are received, and track cases with notifications. The Program Coordinator will be supportive, but their role will not be to serve as an emotional support. If the Program Coordinator identifies that the complainant requires this, then they will be referred to SAS. By the same token, if a respondent needs additional emotional support, then they will be referred to the Health and Counseling Center (students) and to Empathia (employees).

Given the collaborative efforts between Title IX, DHR and SAS, as is the case in the existing structure, the TF recommends that these offices be adjacent to one another. Ideally, the offices will all work together in a consolidated office, but current policies dictate different reporting structures with Title IX/DHR reporting to a Vice President (VP) and the SAS reporting to the Health and Counseling Center. As such, a consolidated office where they all work in a singular location is not feasible in terms of reporting requirements, but adjacent offices will suffice to allow for a multidisciplinary approach to addressing issues as they arise.

Provide additional resources to support employee relations. The TF recognizes the importance of being proactive in addressing and resolving unprofessional conduct before they become policy violations. To this end, the TF recommends additional staff support with one new manager level position each to HR and OFA to address employee relations and conduct workplace investigations (1 new position). This individual will provide support, training, and coaching to MPPs, faculty, and staff on conflict negotiation, mediation, and the “soft skills” needed to de-escalate unprofessional conduct.

The TF recognizes that this represents the ideal structure in addressing Title IX/DHR and that it will take a significant amount of time and resources to fund each of these positions. As such, the TF prioritizes positions that fill the functions detailed above:

1. New Program Coordinator (1 position, with ongoing need for a second position to be evaluated)
2. New Employee Relations – Human Resources (1 position)
3. New Full-Time Deputy Title IX Coordinator (1 position, duties to be determined)

The TF recognizes that ongoing assessment of staffing needs will be imperative to determine the actual number and position type that may be required in order to address the needs to support our campus community. Depending upon the results of the ongoing assessment, additional positions for consideration may be:

1. Training and Outreach Coordinator (1 position) (these duties may fall within the Deputy Title IX and DHR position responsibilities, but the intent is to ensure coordinated oversight of all programming)
2. SAS Coordinator (reorganization of an existing position)
3. Deputy of Clery Compliance (to be determined based on functioning of Title IX/DHR Deputies)
4. SAS (2 positions)
5. Additional Program Coordinator (1 position)
6. Student assistant in SAS (1 Part-time position)

Process

The Title IX Task Force was charged to: *Identify strategies for building a culture of trust and a transparent process for reporting and responding to incidents of sexual harassment and assault.*

Based upon the discussions, our goal is to: upgrade the reporting Title IX/DHR records management system, streamline the intake and triage process, increase timeliness of case resolution, and create a toolkit of resources.

The TF offers the following recommendations:

- Identify and upgrade the records management system to allow for enhanced documentation, data tracking, and data reporting.
- Provide a dashboard for complainants and respondents to have immediate access to case status updates.
- Increase efficiency and timeliness of intake and initial assessment processes.
- Reinforce and strengthen confidential resources.
- Create a centralized report and resource referral support line.
- Increase timeliness of case resolution.
- Enhance Non-Title IX Student Conduct notifications.
- Create a toolkit of resources.

We expand on each of these recommendations below.

Identify and upgrade the records management system to allow for enhanced documentation, data tracking, and data reporting. The TF recognizes the limitations of the existing software system (Maxient), particularly as it relates to tracking cases through the process and data. The latter is particularly problematic as it is difficult to extract data in an aggregate and easily shareable manner that protects the privacy of individual participants in the process. As such, it was difficult for the TF to make overarching recommendations on the process given the paucity of data pertaining to intersectionality of participants, the ability to establish patterns with participants and locations, and timeliness to the process. As one example, the TF recommendations could have highlighted areas of concern pertaining to gender, race, rank, and if a case goes through the process or not, if the TF had better access to quantitative and qualitative data. Questions such as how many Black female assistant professors are reporting? How many Latinx LGBTQIA+ staff

have cases investigated? How long was the process, what resources were provided, and what were the resolutions for each? Is there consistency in terms of resolution/outcome? Is there a pattern of targeting these groups within a single college or even department? These data points are important to determine how to best serve our campus community. However, these data cannot readily be downloaded in a way that also protects confidentiality. Instead, these data can only be obtained through a manual process, which is far too time consuming to do on a regular basis, especially in light of resource constraints within Title IX/DHR. The TF recommends exploring software systems for reporting and tracking that are more robust, which can further guide future recommendations pertaining to equity, identification of patterns with corresponding training/outreach/support and streamlining the process.

Provide a dashboard for complainants and respondents to have immediate access to case status updates. Another limitation of Maxient is the inability for complainants/respondents to track their case through the process. This is particularly concerning for the complainant given their trauma response, which may include anxiety that can occur at any time of the day or night. Being able to log into a system 24/7 can go a long way to alleviate stress and calm panic knowing that a hearing date was not missed, that the case has been referred to another office, and/or is now closer in the queue to being addressed. The ability to log into a system and track the status of a case 24/7 is ideal, but we are not aware of a software system that provides this service. The TF recommends exploring software programs that have these desired features.

Increase efficiency and timeliness of intake and initial assessment processes. Once a report is received, it is essential that the case is triaged to the appropriate office in a timely manner. The TF learned that this can be a time-consuming process given that an incident may involve Title IX/DHR/OFA, and/or Student Conduct. This is particularly problematic for those cases that do not rise to the level of the policies that govern Title IX/DHR. In these circumstances, the offices will continue to work together to determine how to best address the concerns that were brought to their attention. The process is further slowed because of the current physical separation between offices. As a result, the TF recommends the consolidation of these offices as outlined previously.

At intake and the initial assessment for triage, a few other concerns were noted. By policy, the current office staff must remain neutral, which can appear to be harsh or uncaring particularly to complainants who feel that their initial point of contact should be more of an advocate and “be on their side.” The TF recognizes that this neutrality, even when empathetic, can be off-putting and we have heard that some complainants may not wish to pursue the case any further, in some instances, suffering in silence or choosing to leave the university as their only perceived recourse. Instead, the TF feels that rather than having the Title IX/DHR Coordinator and/or deputies serving as the initial point of contact, Intake Support Coordinators (ISC) can serve to provide support to both complainants and respondents. The ISCs can explain next steps and in doing so can also explain the neutrality that they will experience and why this is required by policy when interfacing with the Title IX/DHR Coordinator and deputies. The ISC will remain available as a resource and case manager for the complainant or respondent through a report, triage to the appropriate office, and resolution with timely notifications throughout. However, the ISC will not participate in any aspect of the investigative process in order to avoid the perception of bias/conflict of interest, nor will the ISC serve as an advisor or advocate. Another option to provide a “warmer” welcome to the office is to invite the SAS to the intake meeting to provide information about advocacy,

counseling and referrals for campus/community resources. Having both the ISC and SAS at initial meetings can improve satisfaction, build trust, streamline the process, and allow for a more trauma-informed experience.

Reinforce and strengthen confidential resources. Throughout the listening sessions with various campus stakeholders, the TF repeatedly heard the call for a way for individuals to share concerns outside of the formal Title IX/DHR and OFA reporting structures. To address these concerns for employees, the TF recommends the expansion of Empathia, in collaboration with the new campus Wellness program, to have a campus presence and provide services throughout the work week, rather than the current practice of just a few days per week. This must be accompanied by a marketing campaign that highlights Empathia as an independent program (that is outside of Fresno State) with highly trained staff who are confidential resources, rather than employees with reporting responsibilities and who can provide services (e.g., counseling, conflict resolution, and mediation, to name a few), as well as the 24/7 hotline services. In addition to Empathia, the SAS will continue to serve as a confidential resource that will not trigger a formal Title IX/DHR case.

Create a centralized report and resource referral support line. In terms of referral options for students, the TF recommends the creation of a Student Support Line (24/7) to serve as a centralized space for students to contact on an array of matters (e.g., physical/mental health, counseling, Title IX/DHR, unprofessional conduct, and the like) rather than having multiple campus numbers/hotlines to navigate. The TF recommends a support line with push options (e.g., 1= medical, 2 = Title IX/DHR, 3 = Counseling, 0 = Operator for all other matters to be triaged as appropriate). The operator must have training in crisis intervention and trauma informed care to assist with the emergency calls that may be received by the support line. The TF recommends that existing staff from the Student Health and Counseling Center provide support line coverage. The Student Support Line must be accompanied by a website with links to Title IX/DHR, SAS, and campus resources. Of equal importance is the identification of community resources for those who have concerns about talking to someone on-campus. All resources for referral will need to be regularly assessed to determine if additional staffing is needed to address demand. For the next two years, Fresno State is participating in a pilot (YOU@FresnoState) funded through the CO for students to have 24/7 access to campus resources. Students can access YOU@FresnoState via their Student Portal where they will find a full list of all campus resources inclusive of confidential survivor advocate support.

Increase timeliness of case resolution. Once a case is triaged quickly to the appropriate office, the next identified concern is the amount of time it takes for a case to be investigated and reach a resolution. The TF learned that there are a few reasons that contribute to the slow process:

- The lack of personnel to investigate the case.
- Slow response times by campus and/or CO General Counsel for legal advice and consultation.
- Faculty being off-contract during portions of the investigation.
- The number of rights of appeal via the Review of Evidence.

The lack of personnel is particularly concerning when outside investigators are needed. These are often private or state attorneys with full-time employment outside of the CSU system. This means that Fresno State cases are given a lower priority, which extends the time for investigative meetings, follow-up, and hearings. Additional personnel working in Title IX/DHR will decrease the reliance on external investigators. The TF recognizes that due to conflicts of interest, there will still be cases in which an outside investigator will be required. In these circumstances, the TF concurs with a recommendation presented by Cozen O'Connor that the CSU needs to employ a pool of external investigators who can be called upon at any time to assist with campus Title IX/DHR investigations. These individuals will be employed full-time by the CSU and will be internal to the system, but will be external to campuses. The TF recommends that these investigators be assigned regionally to a few campuses, so that they gain an understanding of campus specific policies that may impact cases. The TF recommends that those who serve as investigators also undergo ongoing training covering the topics addressed previously (see *Campus Climate and Culture* section). This will serve to address a few concerns. First and foremost, the individuals will be able to investigate cases in a timely manner without a conflict of interest. Of equal importance is having investigators who have an understanding of the CSU, working with unions and within CBAs, and higher education generally.

The TF learned that cases can be slowed as the various offices (Title IX/DHR, OFA) need to consult with the General Counsel (campus and/or system wide) for legal advice and guidance. Concurrently, there is concern that advice is overly risk averse focusing on an investigation, and not solution oriented, to avoid a grievance or lawsuit. The investigative process can be quite long and the complainant can spend a significant amount of time without any remedy waiting for General Counsel to provide guidance. If the risk tolerance was higher, then matters can be heard, addressed, and resolved in a more timely manner. The TF recommends better responsiveness when legal advice is needed and greater risk tolerance with General Counsel and Title IX/DHR cases.

Another factor that slows the timeliness of case resolution occurs when faculty are off-contract during breaks between semesters and academic years. In these circumstances, it can take months for a faculty member to respond to a communication or be available for an investigation. The TF recommends working with the California Faculty Association (CFA) to require faculty to participate in Title IX/DHR matters with appropriate hourly rate compensation during off-contract periods.

Finally, the right to seemingly never-ending appeals via the Review of Evidence is problematic as it extends the time to case resolution. The TF recommends a system wide assessment of the Review of Evidence policy and the consideration of ways to limit the number of appeals allowing for cases to close and a resolution to be reached more expeditiously than current practice.

Enhance Non-Title IX Student Conduct notifications. When looking at the non-Title IX Student Conduct process, two identified frustrations are:

- The lack of knowledge of the process and outcome by the parties pertaining to the outcome due to Family Educational Rights and Privacy Act (FERPA).
- The lack of notification to parties when a matter is closed.

The TF recommends that impacted parties receive written notification reminding them that the outcome cannot be shared due to FERPA. While not ideal in terms of knowing the outcome, the parties involved will at least know that the matter was investigated, and some action was taken. Likewise, written notification must be given after the final meeting occurred and the matter is closed. The notification must also include information that if the matter is not resolved; to please contact the Dean of Students again for further action. These actions provide some degree of understanding that the issue was addressed through the Student Conduct process.

Create a toolkit of resources. The TF specifically looked at resources and suggests that there be a “toolkit” of possible accommodations and supportive measures that can provide remedy/assistance. Currently, there is no such toolkit and offering supportive measures is *ad hoc* in terms of knowing what can be offered and when. The TF also suggests that campus resources be added to the syllabus template, Canvas, and MyFresnoState. The TF recommends that complainants be given the opportunity to participate in any meetings that explore the implementation of possible remedies to address concerns. However, the TF recognizes that this may add to the trauma associated with the incident and any participation must be voluntary.

Policy

The Title IX Task Force was charged to: *Identify strategies for addressing challenges in areas outside of Title IX and DHR (i.e., bullying, hate/bias incidents, etc.) that are critical to creating a welcoming, inclusive, equitable and just community of care and respect.*

Based upon the discussions, our goal is to create policies and programs to address unprofessional conduct.

The TF offers the following recommendations:

- Identify the policy mechanism for addressing unprofessional conduct.
- Review personnel evaluation policies and practices.
- Create a faculty/staff mentoring program.
- Increase opportunities for faculty-staff interaction and collaboration.
- Update policies to address disciplinary actions

We expand on each of these recommendations below.

Identify the policy mechanism for addressing unprofessional conduct. The TF identified several areas in which policies either need to be updated or created. Of concern to the TF is the lack of policy pertaining to unprofessional conduct, which needs to be developed for students and employees with specific inappropriate behaviors outlined. In terms of students, the TF noted that neither the Title 5 (Education Code) nor the CSU Student Code of Conduct addresses unprofessional conduct. The TF suggests the creation of a student Community Standards policy that outlines general appropriate professional conduct with the ability to enforce violations. In terms of employees, it is recommended to solidify the *Principles of Community* into policy, outlining the specific behavior, and the mechanisms for compliance including supervisor meeting,

Performance Improvement Plans (PIPs), and counseling/reprimand memos that will not sunset. Each new policy will need to go through the appropriate committees for development.

In terms of updating policies in the Academic Policy Manual (APM), several were identified. As it pertains to students, APM 419 (Disruptive Classroom Behavior) needs to be updated to include unprofessional conduct. Also, the policy currently requires faculty to be the first intervention to address the conduct. The TF recognizes that faculty may not feel comfortable doing this. As such, it is recommended that the policy be updated to include the Dean of Students as the first intervention if the faculty does not feel comfortable in addressing the concern.

Review personnel evaluation policies and practices. The TF was notified that beginning this academic year, all Management Personnel Plan (MPP) administrators will undergo a new 360 evaluation process. The TF appreciates that a neutral third party was hired to manage the process. In terms of the annual staff evaluation, the TF suggests that evaluations be staggered to the hiring anniversary date, rather than all being consolidated in October. The change in evaluation date allows for more time to be spent writing thoughtful evaluations. Similarly, the TF suggests that greater emphasis/training be placed in empowering supervisors to write up concerning incidents in real-time, rather than waiting for annual evaluations. The TF notes that several policies need to be updated to address other evaluations. Specifically, APM 335 (Policy on Periodic Review of Administrators) needs to be revised to increase the frequency for all MPP administrator evaluations and to be inclusive of those who are also in an interim administrative position. The TF suggests that the policy needs to be updated to address that MPPs undergoing the review do not select who serves on the review committee. APM 113 (Policy on Academic Organization) must be updated in terms of voting, as this policy addresses organizational units/structure, which should be governed by university level policy and not College by-laws as is the current process. The TF suggests updating this policy to clarify faculty voting for better consistency and transparency across the university. APM 114 (Policy on Consultation and Voting) requires clarity on voting eligibility particularly as it pertains to voting for no-confidence for MPPs.

Create a faculty/staff mentoring program. The TF recommends the creation of a robust Faculty/Staff mentoring program that can provide guidance and assistance to address unprofessional conduct. The program will require a structure, policies, and training that will guide participants in having someone to talk to and can help address issues as they arise. There is a recognition that this process can also assist with a culture of care for one another, speaking up on matters of concern, and greater checks and balances. A mentoring program can also help to provide an avenue to recognize those who are doing great work on campus. Currently, there is very little recognition particularly for staff. This type of mentoring program can be achieved by backfilling positions within the Office of Organizational Excellence working in collaboration with the campus Wellness program.

Increase opportunities for faculty-staff interaction and collaboration. The TF recognizes the challenges inherent in the faculty-staff divide on campus that can be hierarchical and can give rise to unprofessional conduct. To this end, the TF recommends providing greater opportunities for faculty and staff to collaborate on meaningful impactful work across campus. Typically, these efforts are completed by faculty with minimal, if any, staff input. Greater opportunities are needed for staff to feel valued for their knowledge and expertise particularly as

it relates to campus policies and initiatives. Staff feel that this will help to create a culture that gives value to their work, which will contribute to more positive interactions.

Update policies to address disciplinary actions. The TF notes that policies need to be updated or developed to address informal disciplinary actions that must be taken before suspension/termination. Likewise, the TF recommends that counseling memos pertaining to unprofessional conduct, Title IX/DHR, and non-compliance for Title IX/DHR training will not sunset and not be removed from personnel files. Likewise, faculty personnel files must be jointly held by the Dean's Office and the Office of Faculty Affairs, so that both have ready access to files. These recommendations will assist in the identification of patterns of inappropriate behaviors over time. These policy updates will require consultation with CFA.

Assessment

The TF was not charged with assessment, but we firmly believe that ongoing evaluation is an absolutely critical piece to ensuring the efficacy of our recommendations. Based upon the discussions, our goal is to create a better mechanism for ongoing data collection, analysis, and reporting pertaining to campus climate.

The TF offers the following recommendations:

- Strengthen the ability to gather, track, and report data.
- Undergo a campus wide cultural audit.
- Ongoing assessment and refinement of recommendations.

We expand on each of these recommendations below.

Strengthen the ability to gather, track, and report data. The TF believes that assessment and data collection are important aspects of the overall work in addressing Title IX/DHR. One of the deficiencies noted by the TF is the inability of existing software and the lack of time to manually provide data that can be disaggregated to examine trends. The lack of data limited the TF's ability to make more specific recommendations in certain areas pertaining to streamlining the process. The TF recommends that the Title IX/DHR Coordinator work with the deputies in that office who in turn will work with the Office of Institutional Effectiveness (OIE) to provide a comprehensive assessment of Title IX/DHR practices, as well as respond to data requests and write compliance reports.

Undergo a campus wide cultural audit. The TF recommends that a third party be hired to conduct an overall campus cultural audit that will examine a variety of issues pertaining to equity including, but not limited to: compensation, performance evaluations (e.g., staff, faculty, student evaluations of faculty, and MPPs), policies (e.g., Collective Bargaining Agreements (CBAs), Academic Policy Manual (APM), and the like), reward systems, and structure (e.g., departments, colleges, and/or divisions) and how these impact unprofessional conduct, which can elevate to Title IX/DHR matters. The consultant must work collaboratively with the campus to establish equity metrics. The audit will need to be both quantitative and qualitative to ensure both breadth and richness of data collected. The audit findings will allow for discussions to develop

and/or modify policies/programs to address identified issues. The audit needs to focus on measurable action items with ongoing assessment and monitoring progress toward moving the needle in addressing identified areas of concern. The TF recommends that a third party conduct the audit to encourage participation while also building trust in the process of data collection and analysis.

Ongoing assessment and refinement of recommendations. A comprehensive ongoing assessment of the recommendations is needed to determine if they are working as intended. This will include the identification of action items and measurable outcomes pertaining to each recommendation and its corresponding projected implementation timeline. The TF recognizes that ongoing assessment is needed to determine staffing and structural needs as these are evolving very recently with the addition of the Deputy DHR and survivor advocate position. Likewise, with a greater emphasis on employee relations, earlier intervention, and prevention, the assessment may show that the proposed hiring outlined herein may need to be adjusted accordingly. Assessment will also be needed to determine if additional in-person campus programming is impacting campus climate, reporting, referrals for campus/community resources, and comparable data points. Having these data for analysis will allow for evidence-based refinement of recommendations moving forward. Finally, the ongoing assessment will provide important guidance for the university in order to determine possible shifts in sequencing in regards to the implementation timeline.

System wide Recommendations

The TF recognized that several recommendations were beyond the scope of what can be addressed on-campus and will require a system wide response, which include:

- Hire a pool of full-time external investigators who can be called upon at any time to assist with campus Title IX/DHR investigations at a regional level.
- Update the metrics by which staff (inclusive of MPPs) are evaluated in light of compliance with trainings (e.g., Title IX/DHR, data security, hazardous materials, and the like), as well as equity, responsiveness to Title IX/DHR and conflict resolution.
- Create a system wide whistle blower/ethics/reporting line and the identification of a single point of contact within the CO to address concerns and to provide an added layer of checks/balances outside of the campus.
- Assess the Review of Evidence process to determine ways to streamline the process and decrease the time to case resolution.
- Allow for greater flexibility to campuses to interpret Student Code of Conduct, which is currently very proscriptive and limiting to campuses regarding discipline and student conduct.
- Allow for greater flexibility to campuses to create a Community Standards policy for students engaging in unprofessional conduct with the ability to enforce the policy with disciplinary action.
- Develop a systemwide policy to address Unprofessional Conduct.

Implementation

The TF recognizes that implementing the recommendations outlined herein will be a considerable undertaking for the campus that will require someone with significant time to devote to the effort. As such, the TF does not believe that this should be an additional work task or a special assignment for someone already working on campus. The TF also expressed concerns that someone on campus may have difficulty with engendering the trust and buy-in needed for the enormity of this endeavor. As such, the TF believes that engaging an outside consultant as a change agent with the requisite skill set as in project management, assessment, and organizational change leadership will be needed. This person will ensure that each recommendation has action items, measurable outcomes, and the ability to keep multiple efforts moving forward and timelines achieved. The person will also need to work collaboratively with the various offices impacted by these recommendations, as well as the Office of the President to secure resources and ensure that hiring is completed. The TF recommends that this be a person hired on-contract for a two-year period to coincide with the proposed timeline for implementation outlined below to ensure recommendations are implemented, assessed, and refined. To reduce redundancies and ensure a streamlined process, the TF recommends that, if possible, a single external third-party consultant be engaged to conduct the culture audit and ongoing assessment, as well as lead the implementation efforts. As needed, members of the TF have expressed a willingness and interest in assisting with various aspects of implementation.

In terms of implementation priorities, the TF has the following:

- Assessment of campus climate and hiring needs to address structure.
- Campus wide training (including Chairs-Deans College) to better address unprofessional conduct.
- Develop and update policies to address unprofessional conduct.
- On-going programming with supplemental trainings.
- Marketing campaign.

Proposed Timeline for Implementation

Project	Projected Time to Completion
Deputy Title IX hired	August 2022
Deputy DHR hired	December 2022
Title IX/DHR merged	January 2023
Survivor Advocate hired	January 2023
Engage External Third-party Consultant(s) (to conduct a culture audit, assess recommendations, and assist with	Summer 2023

implementation) (projected duration: two years)	
Hire Program Coordinator (1 position)	Summer 2023
Hire Employee Relations manager (1 position)	Summer 2023
Hire Deputy Title IX Coordinator	Fall 2023
Update syllabus template	Fall 2023
Compliance with Training	Year 2
Climate survey	Year 2
Comprehensive In-person trainings	Year 2
Chairs-Deans College	Year 2
Hire Training and Outreach Coordinator (1 position)	Year 2
Initial campus climate assessment to determine remaining structural hiring needs	Year 2
Survivor Advocacy Services Coordinator Reorganization	Year 2
Streamlined intake process	Year 2
Technology Services assistance with websites	Year 3
Ongoing campus climate assessment to determine remaining structural hiring needs	Year 3
Policy updates	Year 3
Title IX online module	Year 3
Assessment	Ongoing
Curriculum development	Ongoing
Marketing/social media campaign	Ongoing

Summary

The TF addressed each aspect of their charge with recommendations except for the charge to *review and respond to external assessment recommendations*. The TF did review the Wegner Report, but the report did not provide specific recommendations to address the deficiencies outlined therein. With regard to other external assessments or recommendations, to date no other report has been received. A summary of the TF recommendations includes:

- Review and revise existing mandatory online modules for students and employees.
- Expand campus programming to include routine and interactive opportunities for in-person engagement to supplement the mandatory online module.
- Ensure that content is comprehensive, culturally sensitive, trauma-informed, and relevant.
- Enhance training for academic deans and department chairs.
- Create a marketing campaign to raise awareness and drive cultural change.
- Review Collective Bargaining Agreements to facilitate increased participation in and completion of training programs.
- Enhance web-based presence and access to information.
- Centralize Title IX/DHR office to a more central, visible, and accessible location.
- Remove SAS from the Student Health and Counseling Center.
- Provide additional resources to support employee relations.
- Identify and upgrade the records management system to allow for enhanced documentation, data tracking, and data reporting.
- Provide a dashboard for complainants and respondents to have immediate access to case status updates
- Increased efficiency and timeliness of intake and initial assessment processes.
- Reinforce and strengthen confidential resources.
- Create a centralized report and resource referral support line.
- Increase timeliness of case resolution.
- Enhance Non-Title IX Student Conduct notifications.
- Create a toolkit of resources.
- Identify the policy mechanism for addressing unprofessional conduct.
- Review personnel evaluation policies and practices.
- Create a faculty/staff mentoring program.
- Increase opportunities for faculty-staff interaction and collaboration.
- Update policies to address disciplinary actions.
- Strengthen the ability to gather, tract, and report data.
- Undergo a campus wide cultural audit.
- Ongoing assessment and refinement of recommendations.
- Engage an external third-party consulting firm to conduct a culture audit, assess recommendations, and assist with implementation implement TF recommendations.

The TF recommends hiring, at a minimum, the following:

- Additional campus positions (3 new positions)
 - Employee Relations Manager (1)

- Deputy Title IX Coordinator (1)
- Program Coordinator (1)
- Engage an independent consultant or third-party consulting firm to conduct a campus wide culture audit, provide support and assessment, and assist with implementation (projected duration: two years)

**Data from the ongoing assessment will determine if the TF suggested additional staffing positions (as noted below) remain a campus need.*

- Program Coordinator (1)
- Training and Outreach Specialist (1)
- Survivor Advocates (2)
- Part-time student assistant in Survivor Advocate Services (SAS) (.5)

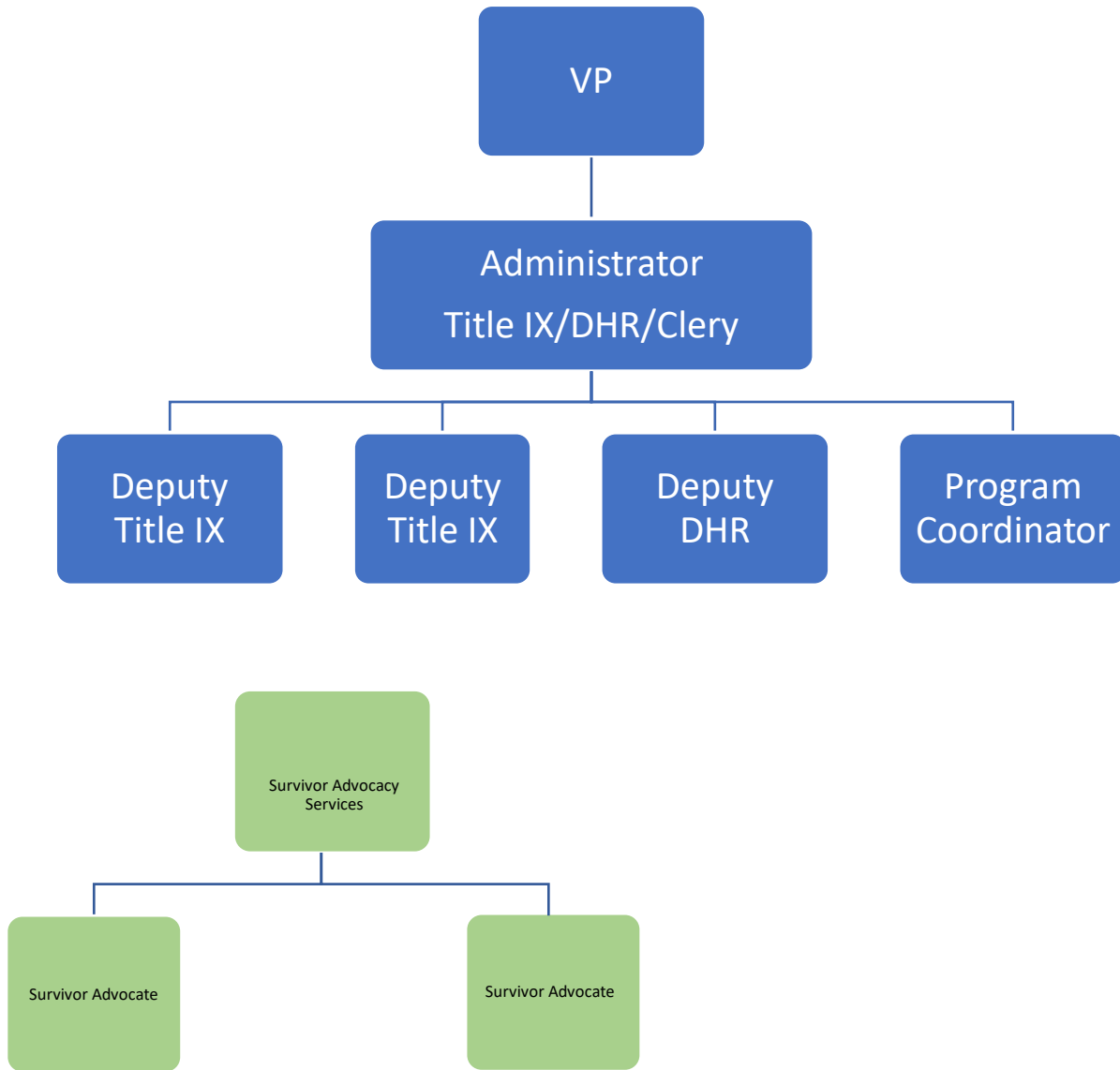
System wide recommendations focused on: updating policies and allowing for hiring, greater flexibility for campuses to develop needed policies, and provide greater opportunities for system level checks and balances.

The Title IX Task Force would like to thank a number of people who shared their knowledge and expertise with us. Each provided valuable insights into Title IX/DHR and related matters (please see Appendix B). We are grateful for the opportunity to lend our collective time, expertise, and dedication to providing recommendations on issues of such import to our campus community.

Reference:

Wegner, Mary Lee. (2022). *Summary Investigation Report California State University-Fresno*. Law Office of Mary Lee Wegner. September 29, 2022.

**Appendix A:
Organizational Chart**



Appendix B: In Gratitude

- Those who participated in the various voices panels representing students, faculty, staff, Academic and Student Affairs Leadership Teams, Asian Faculty Staff Association (AFSA), Auxiliary Services, Black Faculty Staff Association (BFSA), Council of Chairs, Joint Labor Council, and LGBTQIA+ community, Services for Students with Disabilities (SSD), Student Conduct, and Women of Color Coalition.
- Ms. Jennifer Ayerza and Ms. Samara Garcia, Criminology students who shared their research on Title IX campus websites and provided a template of best practices as guidance.
- Dr. Carolyn Coon, Dean of Students who provided guidance on student policies.
- Dr. Hank Delcore, Mx. Cassandra Hanlin, and Ms. Marylou Mendoza-Miller each representing Fresno State and Ms. Zena Chafi (Council on American-Islamic Relations), Ms. Ossama Kamel (Council on American-Islamic Relations), and Mr. Omar Altamimi (Council on American-Islamic Relations) representing the DHR Work Group
- Ms. Jennie Johnson, Director, Student Services with Disabilities (SSD)
- Ms. Nicole Lane, Director, Auxiliary Human Resources regarding how Auxiliary Services addresses Title IX/DHR matters.
- Ms. Nicole Linder, Executive Director of the Marjaree Mason Center
- Ms. Diana Rea Flores, Coordinator of the Dream Success Center
- Ms. Dannielle Rodriguez, Executive Assistant to Interim VP and Dean of Students representing the Joint Labor Council (JLC)
- Women of Color Faculty Coalition
- Speakers at Retreats:
 - Ms. Laura Anson, Systemwide HR DHR Compliance Unit
 - Ms. Erin Boele, Director of Residence Life and Housing and Deputy Title IX
 - Ms. Carrie Coll, Senior Associate Director for Sport Services
 - Ms. Kirsten Corey, Manager of Compliance & Regulatory Programs/ADA Administrator
 - Lt. Jennifer Curwick, Campus Police Department
 - Dr. Hank Delcore, Chair of the Department of Anthropology
 - Ms. Tiffany Hamilton, Chief Diversity Officer, AVP – Diversity and Inclusion, Pace University.
 - Mr. Darryl Hamm, General Counsel at Fresno State
 - Dr. Dheeshana Jayasundara, Department of Social Work
 - Ms. Ruth Jones, University Counsel CSU Office of General Counsel
 - Dr. Kate Kafonek, Department of Criminology, Victimology
 - Ms. Mindy Kates, Survivor Advocate
 - Ms. Tanis Matlock-Elder, Director of Student Conduct

- Ms. Sue McCarthy, System wide TIX Compliance Officer & Senior Director, System wide TIX Compliance Services
- Ms. Marylou Mendoza Miller, AVP for Human Resources
- Ms. Jamie Pontius-Hogan, Director of Title IX and Clery Compliance
- Dr. Jim Schmidtke, Interim AVP of Faculty Affairs
- Dr. Malia Sherman, Director of Counseling and Psychological Services
- Mr. Stephen Silver, Office of General Counsel (CSU Chancellor's Office)
- Mr. Terry Tumey, Director of Athletics
- Members of the Title IX Task Force:
 - Dr. Bernadette T. Muscat, Chair of the Title IX Task Force and Dean of Undergraduate Studies
 - Ms. Caroline Alvarez, ASI President
 - Dr. Jaime Arvizu, Director of the College of Science & Mathematics Advising Center
 - Mr. Davion Baker, Office of Black Student Success
 - Ms. Erin Boele, Director of Residence Life and Housing and Deputy Title IX
 - Ms. Marissa Bourbon, Representing the Joint Labor Council
 - Ms. Ashley Emerzian, Community Representative and attorney specializing in Title IX
 - Dr. Kathryn Forbes, Women and Gender Sexuality Studies
 - Ms. D'Aungillique Jackson, Program Coordinator for the Division of Equity and Engagment, Undergraduate Student, and former ASI President
 - Dr. Dheeshana Jayasundara, Department of Social Work
 - Dr. Kate Kafonek, Department of Criminology, Victimology
 - Ms. Mindy Kates, Survivor Advocate
 - Ms. Sue McCarthy, System wide TIX Compliance Officer & Senior Director, System wide TIX Compliance Services
 - Ms. Marylou Mendoza Miller, AVP for Human Resources
 - Ms. Rebecca Perez, ASI VP of External Affairs
 - Ms. Jamie Pontius-Hogan, Director of Title IX and Clery Compliance
 - Dr. Jim Schmidtke, Interim AVP of Faculty Affairs
 - Dr. Malia Sherman, Director of Counseling and Psychological Services
 - Ms. Rachel Stanton, Graduate Student
 - Dr. Brian Tsukimura, Department of Biology and former Chair of Academic Personnel Committee
- Data support:
 - Mr. Chris Hernandez, Office of Institutional Effectiveness
 - Dr. Yoshiko Takahashi, Office of Institutional Effectiveness
 - Dr. Tinneke Van Camp, Department of Criminology, Victimology
- Staff Support:
 - Ms. Angelica Reyes
 - Ms. Katha Brassfield

- Ms. Diana Ralls
- Ms. Carol Sera
- Ms. Nastassja Pizanis
- Ms. Esther Gonzalez
- Ms. Angelica Pizaña
- Ms. Alejandra De Alba
- Ms. Mary Sotos (Cozen O'Connor)
- Ms. Diane Volpp
- Subcommittee Members:
 - Mx. Cassie Hanlin, Interim Deputy Title IX Coordinator
 - Ms. Faith Van Hoven
- Website and Communications Support:
 - Ms. Lisa Bell, Public Information Officer
 - Ms. Lauren Nickerson, AVP for University Communications
 - Ms. Ashley Ilic, Director of Brand Strategy and Marketing
- Outreach to Listservs:
 - Mr. Estevan Parra, Coordinator of the Cross Cultural and Gender Center
 - Dr. Kat Fobear, Women Gender and Sexuality Studies
- Task Force Creation Support:
 - Dr. Joy Goto, Interim Dean of Graduate Studies
 - Dr. Ray Hall, Chair of the Academic Senate
- Cozen O'Connor Interviews:
 - Ms. Debbie Adishian-Astone, VP for Administration and Finance
 - Ms. Erin Boele, Director of Residence Life and Housing and Deputy Title IX
 - Ms. Carrie Coll, Senior Associate Director for Sport Services
 - Dr. Carolyn Coon, Interim VP of Student Affairs and Enrollment Management and Dean of Students
 - Lt. Jennifer Cuwick, Clery, University Police Department
 - Ms. Shimel Her Saychou, Director of the Cross Cultural and Gender Center
 - Ms. Mindy Kates, Survivor Advocate
 - Ms. Tanis Matlock-Elder, Director of Student Conduct
 - Ms. Marylou Mendoza Miller, AVP for HR and Director of DHR
 - Dr. Janell Morillo, Associate Vice President, Student Health, Counseling, and Wellness and Interim Associate Vice President, Student Success
 - Ms. Alicia M. Nelson, MPH, Director, Wellness Services
 - Mr. Estevan Parra, Coordinator of the Cross Cultural and Gender Center
 - Ms. Jamie Pontius-Hogan, Director of Title IX and Clery Compliance
 - Dr. Jim Schmidtke, AVP of Faculty Affairs
 - Dr. Malia Sherman, Director of Counseling and Psychological Services
 - Mr. Terry Tumey, Director Athletics
 - Chief Jim Watson, University Police Department