

Office of Vice Chancellor
CSU Office of the Chancellor
401 Golden Shore, Long Beach, CA 90802

www.calstate.edu

Leora D. Freedman
Vice Chancellor for Human Resources

Phone (562) 951-8409
lfreedman@calstate.edu

October 1, 2023

The Honorable David Alvarez
California State Assembly
1021 O Street, Suite 5320
Sacramento, California 94249

The Honorable Mike Fong
California State Assembly
P.O. Box 942849
Sacramento, California 94249

The Honorable Josh Newman
California State Senate
1021 O Street, Suite 6520
Sacramento, California 95814

Re: Response to Correspondence Dated September 6, 2023

Dear Assemblymember Alvarez, Assemblymember Fong and Senator Newman:

I write in response to your September 6 correspondence to Interim Chancellor Jolene Koester requesting answers to the six questions identified below. We appreciate the Committees' continued support, questions and insights, and we look forward to continuing to meet with you and your staff to further discuss our ongoing work. As detailed in the Cozen O'Connor report, the CSU is tasked with implementing a complex legal and regulatory framework, in the context of a wide array of challenges shared by higher education institutions across the country. We are committed to being a leader for public university systems across the country when it comes to developing and implementing effective, consistent and accountable Civil Rights programs and practices, and we are instituting a broad array of solutions and improvements as quickly as resources and solutions allow.

Detailed narrative responses to each of your questions are set forth below.

1. A detailed, comprehensive timeline as to how the CSU Chancellor's Office and each CSU campus will be implementing the recommendations from the two reports.

Since the release of the Cozen O'Connor and California State Auditor (CSA) reports in mid-July, the Chancellor's Office and each university have been working to develop detailed project plans to implement the recommendations of the two reports in an orderly, timely and efficient

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

manner that prioritizes those actions necessary to build a sustainable infrastructure. Attachment A to this letter includes a comprehensive timeline in the form of a Gantt chart, which details how the Chancellor's Office will implement and the campuses will adopt the recommendations of the CSA and the Cozen O'Connor report.¹ Many of the deliverables depend on factors outside of the CSU's control, such as funding or meet-and-confer requirements with our labor union partners. The state legislature, the CSA and the CSU community will be informed of any anticipated delays related to these factors as they become known to the CSU with reasonable certainty.

Attachment A includes three documents. A-1 lists the recommendations from the Cozen O'Connor Systemwide Report. A-2 lists the recommendations from the California State Auditor's report. A-3 groups all recommendations into one of five action categories (i.e., Build Infrastructure; Establish Standards; Exercise Oversight; Assist Campus Implementation Teams; and Lead Initiatives), and sets forth a timeline for each recommendation by action category.

The Chancellor's Office Civil Rights team will develop and carry out the implementation of recommendations at the Chancellor's Office and systemwide. This team will also support and oversee the implementation of recommendations at the 23 universities. As announced in her report to the CSU Board of Trustees at its September meeting, Interim Chancellor Koester has formed a Chancellor's Office Civil Rights Implementation Oversight Committee to oversee the implementation work of the Chancellor's Office Civil Rights team. Members will include systemwide and university stakeholders, including trustees, university presidents, faculty, staff and students.

As described in response to Question 4 below, each university president has formed a university implementation team that will submit a draft university-specific implementation plan to their president this fall. Given the summer release of the reports and the importance of engaging with our faculty, staff and students through the implementation teams, it was necessary for this work to occur during the fall term. Each university will make its implementation plan and timeline public when it submits its final plan to the Chancellor's Office in December 2023.

The recommendations in the CSA and the Cozen O'Connor reports call for a broad range of deliverables, many of which will be completed by a date certain. These recommendations include: revising policies; adopting systemwide templates for use at all universities; strengthening and monitoring on-campus in-person prevention education work; issuing systemwide guidance to all university Civil Rights² offices; and implementing an enterprise-level case management system throughout the CSU.

¹ The Cozen O'Connor report includes a systemwide report (<https://www.calstate.edu/titleix/Pages/cozen-title-ix-assessment.aspx>) and 24 individual university reports (including one for the Chancellor's Office) which can be accessed here (<https://www.calstate.edu/titleix/Pages/cozen-title-ix-assessment.aspx>). Cozen O'Connor also prepared a summary report (<https://www.calstate.edu/titleix/Pages/cozen-title-ix-assessment.aspx>).

² CSU's nondiscrimination policy (<https://calstate.policystat.com/policy/12891658/latest/>) prohibits discrimination, harassment and retaliation based on all protected statuses: Gender (or sex, including sex stereotyping), Gender Identity (including transgender), Gender Expression, Sexual Orientation, Age, Disability, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion (or

Other recommendations in the Cozen O'Connor report require an intentional shifting of practices and approach to systemwide coordination. This will necessarily be an evolving and ongoing process without deliverables that can be marked as complete by a date certain. These types of recommendations in the Cozen O'Connor report will be accomplished as quickly as resources permit through multi-layered, cross-divisional and iterative efforts. These recommendations include: strengthening the Chancellor's Office oversight and supervision; addressing infrastructure challenges; addressing other conduct of concern that does not amount to a violation of CSU's nondiscrimination policy, but constitutes unprofessional conduct or involves other conduct policy violations; and rebuilding trust with our university communities.

As described in the charts and timelines in Attachment A, this work has commenced and we plan and expect to have implemented all recommendations no later than the end of 2026. We also intend to implement many of the recommendations from the CSA in advance of the agreed-upon timelines. As noted above, we will keep the legislature, the CSA and the CSU community informed of any anticipated changes in timelines, as well as the reason(s) for such changes.

2. An answer to the question of what recommendations from the Cozen O'Connor report and the State Auditor's report will be implemented first and in what order the recommendations will be prioritized.

We have prioritized the action steps that address the most pressing needs or can be accomplished most efficiently. These prioritized steps include:

- Shifting the manner of engagement, from advisory to oversight between the Chancellor's Office and the individual universities;
- Restructuring the Chancellor's Office Civil Rights Office and hiring an associate vice chancellor for civil rights programming and services, regional directors and a systemwide data specialist;
- Assisting the university implementation teams as they develop university-specific implementation plans;
- Developing protocols, standards and checklists to review initial assessments, closures, investigation reports and written determinations; and
- Assisting the universities in their formation of campus-level multidisciplinary teams.

Attachment A, referenced above, provides timeframes by quarter to reflect the anticipated time for initiating implementation, our estimated time for completion of the work, and our

religious creed), and Veteran or Military Status. The nondiscrimination policy refers to sex, sexual misconduct, dating violence, domestic violence, sexual exploitation and stalking (as "Title IX"). The other statuses protected by CSU policy listed above are referred to as "DHR" (which is an acronym for discrimination, harassment and retaliation). This report sometimes refers to Title IX and DHR protections generally as "Civil Rights" – which encompasses the right to be free from discrimination, harassment and retaliation based on any protected classification.

anticipated date of completion. Seeking to project plan and target completion dates with more than 100 individual recommendations at the Chancellor's Office and across 23 universities is necessarily complex and impossible to accomplish with 100-percent precision. We have sought to be both realistic in our assessment and ambitious in our goals, balancing the time necessary to make complex system change with the efficacy and alacrity needed to reflect our commitment to our students, faculty and staff.

3. An answer to the question of what barriers would prevent the CSU from implementing any of the recommendations from the State Auditor report or the Cozen O'Connor report.

The CSU is committed to implementing all of the recommendations from the CSA and the Cozen O'Connor reports as soon as possible. Successful implementation of the recommendations will require sufficient staffing to enable our university Civil Rights offices to continue responding to and resolving reports arising in their day-to-day operations while simultaneously adopting new protocols, data and case management practices and accountability measures; increasing prevention education and awareness programming; and, likely, implementing a new Title IX legal framework in the coming months.

Across the country, institutions of higher education are experiencing a severe shortage of qualified, experienced Title IX and other Civil Rights professionals, including in critical positions such as Title IX coordinator, deputy Title IX coordinator and Title IX investigator. Some of our campuses have experienced – and continue to experience – multiple failed searches for Title IX coordinators and supporting positions. It is difficult to predict how long it will take to fully staff university operations, especially since the CSU does not have the resources to offer compensation that is sufficiently competitive with the University of California, community colleges and private institutions. It is our priority to build the Chancellor's Office Civil Rights team as soon as possible, so that system resources can be leveraged and relied on to support each of our universities as they fortify their offices and strengthen their services and programming. As reflected in Attachment A, building the Chancellor's Office Civil Rights team is the first priority, and we have already initiated the search for our new associate vice chancellor for Civil Rights and engaged in internal dialogue and planning to facilitate the shift to the new structure.

The CSU currently lacks the funding needed to immediately and fully implement the recommendations described in the CSA and Cozen O'Connor reports related to ensuring sufficient staffing and separation of roles to employ a care-compliance continuum model that is expected of colleges and universities. State and federal courts have long recognized that although student complaint and grievance procedures must provide fair process, they do not require a university to "convert its classrooms into courtrooms."³ As a practical matter, however, this is no longer the case. Evolving case law and complex federal and state regulations now require universities to employ (and frequently revise) highly codified courtroom-like processes and procedures. This alone has put tremendous strain on our universities. Increasing the level of case-related services, standardizing and centralizing the CSU's case management system, and strengthening prevention education and awareness programming, as

³ *Doe v. Regents of Univ. of Cal.* (2016) 5 Cal. App. 5th 1055, 1078 (quoting *Murakowski v. Univ. of Del.* (D. Del. 2008), 575 F. Supp. 2d 571, 585-86).

recommended in the reports, will require significant additional fiscal resources. The CSU has requested an additional \$16 million in recurring funds for next year's budget, and we anticipate that this request will increase in future budget cycles. In addition, we are exploring ways to raise additional funding through grants and philanthropy.

Community and public mistrust also creates barriers to the CSU's overall goal of changing the culture at the CSU. Cases involving allegations of discrimination and harassment usually arise in the context of intensely personal and traumatic circumstances that complainants and respondents must discuss (with virtual strangers) and, unfortunately, thereby relive. When complex complaint and investigation processes are not adequately understood or when case outcomes do not meet personal or public expectations (including evolving societal norms), our university communities lose trust in the CSU and question institutional commitment and administrators' motives. The CSU must – and will – help its communities understand and navigate these complex processes so that we can restore trust and create a positive, model culture. Building trust takes time, but we are committed to doing this work, and our Civil Rights staff in the Chancellor's Office and at our universities welcome and embrace this moment.

As referenced above, the U.S. Department of Education's Office for Civil Rights (OCR) has issued a Notice of Proposed Rulemaking regarding Title IX's implementing regulations. OCR has accepted several hundred thousand public comments and is currently in the process of drafting new regulations, which could be complete as early as October 2023, or which could be delayed several additional months. Depending on the nature of any changes to the Title IX regulations, the CSU may be required to substantially revise its existing nondiscrimination policy, and each university may be required to develop and implement significant shifts in implementing protocols and practices. It is unclear what level of additional coordination, effort and engagement changes to the new Title IX regulations might require. As evidenced by past history, each time the regulations or guidance have been released, revised or rescinded, it has required extensive investment of personnel and financial resources to develop a new, legally compliant framework. Given the uncertainty of both the timing and the content of the new Title IX regulations, it is impossible to predict with precision how these changes may impact implementation of the recommendations, many of which are closely tied to the evolving legal framework.

4. An answer to the question of what are the recommendations being made to the implementation committees on campus and what roles will the five new positions have at the CSU Chancellor's Office? Who is part of the campus committees and when will they begin the process of implementing the recommendations from the reports?

a. What are the recommendations being made to the implementation committees on campus?

Cozen O'Connor has prepared an individualized report for each university in addition to the systemwide report (see footnote 1). The recommendations made at the university level are included in each of the university reports. On July 28, 2023, Interim Chancellor Koester issued a formal and detailed charge to the university-level implementation teams in order to begin the

process of implementing the recommendations of the reports. The charge is attached as Attachment B and is also accessible on the CSU website.⁴

In addition to the formal charge, Cozen O'Connor and the Chancellor's Office have worked with the university implementation teams to ensure that they are prepared to engage in this complex work. In April 2023, Cozen O'Connor presented two half-day educational sessions for team members from all 23 university-level implementation teams, including the Chancellor's Office Human Resources teams. As described in greater detail below, in September, the Chancellor's Office presented workshops for the university-level implementation team co-chairs, Title IX coordinators and DHR administrators. Each university-level implementation team has been provided with templates to develop a coordinated communications plan and to develop the university-specific implementation plan.

The Chancellor's Office has also designated members of the current Civil Rights team at the Chancellor's Office to serve as a liaison for each university-level implementation team ("CO Liaison"). The role of the CO Liaisons is to guide and oversee the work of the university Implementation Teams as they develop an implementation plan for their president's approval. The CO Liaisons are working closely with each university implementation team to provide timely and consistent guidance and advice.

b. What roles will the five new positions have at the CSU Chancellor's Office?

The Cozen O'Connor report (pages 67-68) recommends a restructuring and expansion of the Chancellor's Office Title IX/DHR (Civil Rights) operations to strengthen the oversight, support and guidance provided by the Chancellor's Office, as follows:

"1. Restructure Systemwide Title IX and DHR Compliance Services (which are currently separate) to create a Systemwide Title IX and Civil Rights Division

1.1. Create an Associate/Assistant Vice Chancellor for Title IX and Civil Rights position to lead the Title IX/Civil Rights Division. This position should report to the Vice Chancellor for Human Resources or directly to the Chancellor

1.2. Assess and realign existing positions within Systemwide Title IX and DHR Compliance Services to position the newly created Title IX/Civil Rights Division to provide a tiered accountability structure that includes direct oversight and supervision of campus Title IX/DHR programs as well as the provision of systemwide functions and responsibilities

1.2.1. Create a minimum of five positions to serve as regional directors, each of whom will have designated oversight of 4 to 5 individual campuses

1.2.2. Create a Systemwide Prevention, Education, and Training Coordinator/Director position to oversee and coordinate strategic planning and compliance with federal and state legal requirements

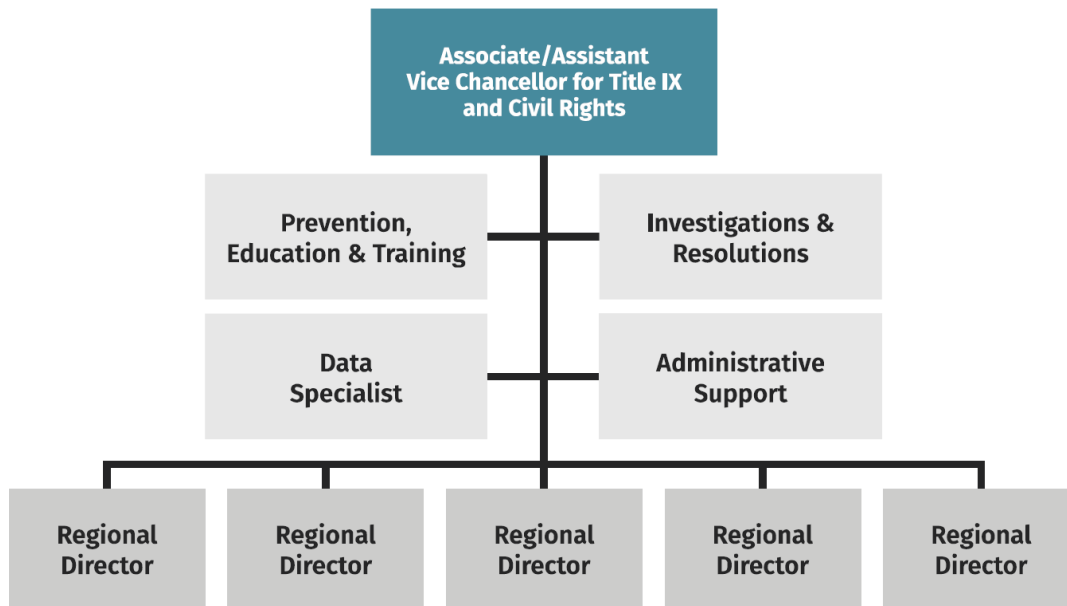
⁴ The charge to the implementation teams can be accessed at www.calstate.edu/titleix/Documents/charge-to-university-implementation-teams-07-28-23.pdf.

1.2.3. Create a Systemwide Investigations and Resolutions Coordinator/Director position to oversee the Center for Investigations and Resolutions and assist in setting systemwide standards for investigative protocols, templates, and timelines

1.2.4. Create a Systemwide Data Specialist position to direct and oversee the implementation of an enterprise-level case management system at the Chancellor’s Office and each university

1.2.5. Ensure appropriate administrative support within the Title IX/Civil Rights Division.”

The Chancellor’s Office is adopting the staffing model framework proposed in the Cozen O’Connor report (page 68) depicted below. Modifications may be made as we reconfigure the existing positions, expand the team and identify additional or different needs.



The new position of associate vice chancellor for civil rights programming and services was posted for hiring on September 29, 2023.⁵ All current members of the Chancellor’s Office Civil Rights unit have been offered the opportunity to request to be appointed to one of the other positions listed above. Within the next month, the Chancellor’s Office expects to begin to recruit for those positions that remain open after internal appointments have been confirmed.

⁵ The associate vice chancellor for civil rights programming and services position information can be accessed at <https://cojobs.calstate.edu/en-us/job/532429/associate-vice-chancellor-for-civil-rights-programming-and-services>.

c. Who is part of the campus committees?

The charge from Interim Chancellor Koester to university presidents (Attachment B) specifically instructed campus implementation teams to include at a minimum:

- a member of the president’s cabinet (or other high-level administrator),
- the Title IX coordinator,
- the DHR administrator;
- a staff member;
- a faculty member, including a representative of the faculty senate; and
- a student, including a representative of Associated Students.

d. When will the campus committees begin the process of implementing the recommendations from the reports?

Implementation already is in progress and each university implementation team is in the process of preparing a recommended implementation plan for the president’s approval. All university implementation plans will be submitted to the Chancellor’s Office in December 2023.

At CSU’s annual conference for university-level Civil Rights staff in July, university staff were provided additional training related to specific areas of concern identified in the CSA and Cozen O’Connor reports including intake and investigations, defining harassment and drafting investigation reports. Cozen O’Connor also attended the conference to provide an overview of their report and answer questions about the recommendations.

In September and October, each university-level implementation team met or will meet with Cozen O’Connor, individually, for a 90-minute opportunity to discuss the report and university-specific questions about the recommendations, effective practices, or further development of their implementation plans. The CO Liaison for each university also attends these meetings.

In addition to supporting the universities in their implementation efforts, the Chancellor’s Office has already taken steps to centralize oversight during this time of transition to the new Civil Rights division. For example, in August, the Chancellor wrote to all university presidents and described additional changes in oversight to university-level Civil Rights programs, effective immediately. All Title IX coordinators and DHR administrators are now required to promptly notify the Chancellor’s Office of all reports that fall into two categories:

- All reports and complaints that implicate CSU’s Nondiscrimination Policy or constitute significant allegations of unprofessional or other conduct of concern against a president, vice president, athletics director or police chief, and
- All reports and complaints involving allegations of sexual violence (including sexual misconduct or dating or domestic violence) perpetrated by or against any member of the university community.

The purpose of this directive is to give the Chancellor’s Office real-time information – which will allow for prompt consultation, oversight, support and accountability.

As described briefly above, in early September, members of the Chancellor’s Office Civil Rights Team delivered a workshop for university implementation team chairs that provided further guidance about:

- Building a campus implementation plan with deliverables and timelines;
- Communications protocols throughout the implementation process, including how to address questions and feedback from the community;
- Developing a protocol for responding to other conduct of concern that does not constitute a violation of CSU nondiscrimination policies, but that constitutes unprofessional conduct or involves other conduct policy violations, and
- Developing immediate case and data management practices while the Chancellor’s Office works to procure an enterprise-level case management system.

Effective November 1, 2023, all university Civil Rights offices will be required to use a uniform intake and initial assessment checklist that addresses gaps identified in the Cozen O’Connor and CSA recommendations. Additional and revised templates will be distributed to university Civil Rights offices on a rolling basis. This will establish greater consistency across campus Civil Rights office communications.

With guidance and oversight from a CO liaison to ensure consistency and accountability, each university implementation team will take different approaches based on existing unique staffing, needs and structure at each campus. Some universities have already restructured their Civil Rights offices by combining Title IX and DHR operations or by adding new staff positions. Others have revised and strengthened their websites, engaged in process mapping and restructured staff positions (e.g., so as to separate intake from investigation functions).

Each university is expected to submit its implementation plan to the Chancellor’s Office in December 2023. These implementation plans will also describe steps already taken.

5. An answer to the questions of what is the CSU’s policy on retreat rights and letters of recommendation. What would render an administrator unsuitable to have continued direct interactions with CSU students or employees in accordance with the policy?

Granting administrators with prior academic experience “retreat rights” to return to previously held permanent faculty positions is a longstanding practice in higher education. Most administrators in high-level academic positions (such as provosts, associate vice-presidents for Academic Affairs and Student Affairs, and deans) are drawn from tenured faculty ranks. Once tenure has been awarded, it can only be revoked as a result of significant misconduct and following a hearing that is governed by fair process as required by California state law and the collective bargaining agreement between the CSU and the California Faculty Association. As a result, faculty are typically (and understandably) unwilling to give up their tenured position to assume an at-will administrative position, unless they have the guaranteed ability to return to their tenured faculty position at the conclusion of their administrative service.

Prior to July 2022, CSU’s policy provided limited authority to prevent an administrator from exercising their “right” to retreat to the faculty – even in situations where the administrator engaged in serious misconduct. In the rare instances where an administrator engaged in such behavior, the CSU often reached settlement agreements to obtain the employee’s separation. Typically, these agreements provided some economic incentives in exchange for the employee waiving their right to retreat to the faculty where they would receive ongoing salary and benefits. Following the settlement with a former Fresno State administrator who was paid approximately one year’s salary in exchange for waiving his right to retreat to the faculty, the CSU Board of Trustees directed the CO to make changes to this practice. Based on that directive, the Board of Trustees has since approved a new retreat policy: Employment Policy Governing Administrator Employees’ Option to Retreat.⁶

a. What is the CSU’s policy on retreat rights?

The 2022 retreat policy establishes that the option to retreat to a faculty position is no longer a “right.” Instead, it is a privilege that is not available to administrators who have been terminated or otherwise separated from employment as an administrator after being found to have violated university policy in a way that renders them “unsuitable to have continued direct interactions with CSU students or employees.” The policy ensures systemwide consistency in administering the option to retreat, identifies the processes and protocols for granting the option to retreat, and outlines the conditions under which an administrator may be deemed ineligible to retreat.

b. What would render an administrator unsuitable to have continued direct interactions with CSU students or employees in accordance with the policy?

An administrator would be unsuitable to have continued direct interactions with students or employees if they were found after an investigation to have violated the CSU’s nondiscrimination policy or engaged in other unprofessional conduct leading to their separation from employment. As to precisely what behavior renders an administrator “unsuitable,” the policy contemplates that sexual harassment in violation of the CSU’s non-discrimination policy (i.e., *quid pro quo*, or harassment that is severe, persistent or pervasive) would meet this standard. But the CSU’s policy also addresses other unprofessional conduct that could result in an employee being found “unsuitable” to return to the classroom. For example, conduct that does not constitute a violation of the CSU’s nondiscrimination policy (such as abusive or disrespectful behavior that is not protected by free speech or academic freedom rights, or unwelcome physical touching that is not sexual in nature) could also render the administrator ineligible to retreat to the faculty.

Neither the California Education Code (section 89535), the California courts, nor the State Personnel Board have defined “unprofessional conduct” with specificity because such determinations often depend on the particular circumstances of a case. Even after extensive analysis, factfinders do not always agree about what conduct constitutes “unprofessionalism,” or about the appropriate consequences of such behaviors. For example, in 2017, an instructor

⁶ The Employment Policy Governing Administrator Employees’ Option to Retreat can be accessed at <https://calstate.policystat.com/policy/12715152/latest>.

was terminated by the CSU after getting into an altercation with – and hitting – a student during a political rally on campus. The instructor successfully appealed the dismissal. The arbitrator overturned the dismissal and ordered the professor’s reinstatement after a brief suspension, leaving the CSU with no recourse to effect the integrity of its underlying finding and decision to terminate.

At the August 31 JLAC hearing, committee members expressed concern that the current retreat policy makes an administrator ineligible to retreat only if they were separated from employment as a result of a finding.⁷ Although the CSA report did not necessarily recommend revisions to the retreat policy, the Board of Trustees will consider additional revisions to address the committee’s concerns, including clarifying that *any* finding of sexual harassment would render an administrator ineligible to retreat, without having to determine whether the finding rendered the administrator unsuitable to have continued direction interaction with students or employees. We plan to begin this discussion at the November meeting of the Board of Trustees.

c. What is the CSU’s policy on letters of recommendation?

In 2022, the Chancellor’s Office issued another new policy, Employment Policy Governing the Provision of Employee References⁸ governing references for all employees, including administrators and represented employees. The policy provides that:

“CSU employees who are asked to provide letters of recommendation or other formal requests for reference for current/former colleagues or direct reports on behalf of the CSU must confer with their campus Human Resources or Faculty Affairs Departments prior to responding to the request or provide their finalized letter of recommendation to Campus Human Resources or Faculty Affairs for their review prior to submission. Campus Human Resources/Faculty Affairs shall review the employee’s personnel file as well as inquire of the campus Title IX/DHR office as to whether the employee for whom the reference is being requested has had findings against them in the past or if there are any investigations/appeals pending.”

This new policy prohibits official positive recommendations or references, whether given in writing or orally, concerning a current or former employee who was found to have engaged in any misconduct (including but not limited to CSU’s nondiscrimination policy) that led to their separation from employment.

At the August JLAC hearing, committee members expressed concern that the current reference policy prohibits a positive reference only if the employee was separated from employment as a result of a finding. The CSA report recommends that “the Chancellor’s Office should amend its policy for letters of recommendation by July 2024 to prohibit official positive references for all employees or former employees with findings of sexual harassment, including those who have

⁷ To be clear, the policy does not permit an administrator to avoid a separation by retreating to faculty, and it expressly prohibits an administrator from retreating when an investigation into such conduct is pending.

⁸ The Employment Policy Governing the Provision of Employee References can be accessed at <https://calstate.policystat.com/policy/12142918/latest>.

received less severe discipline than termination, such as suspension or demotion. Alternatively, the Chancellor’s Office could consider amending its policy for letters of recommendation to require that official positive references for employees or former employees with findings of sexual harassment that did not lead to separation include a disclosure of the employee’s violation of CSU’s sexual harassment policy.” (CSA Report at p. 89.)

No later than early 2024, Chancellor’s Office staff intends to present to the Board of Trustees policy revisions that address the CSA’s recommendation, namely that employees found to have engaged in sexual harassment may not receive an official positive reference from the CSU.

6. A sum total of sexual harassment-related settlement payments since June of 2014 and the funding source of those payments.

The sum total of sexual harassment-related settlement payments between June 2014 and today’s date is \$13,157,489.50. Of that sum total, \$12,300,997.28 was paid to complainants, and \$856,492.30 was paid to respondents.

The sources of funding are:

- California State University Risk Management Authority (CSURMA):⁹ \$12,344,390.60
- California State University campuses: \$803,798.89
- CSU Auxiliary Organizations: \$9,300.00

Of the sum total of \$13,157,489.50, \$10,613,333.00 was paid in four outlier cases as follows:

- \$600,000 to Sonoma State provost who alleged whistleblower, retaliation and sexual harassment by spouse of university president (settlement in 2022);
- \$7,003,333 to complainants who were sexually harassed by a San José State University athletic trainer (settlements in 2021 and 2022);
- \$260,000 to respondent Fresno State vice president found to have engaged in sexual harassment – in exchange for his waiver of his right to permanently retreat to a faculty position at Fresno State (settlement in 2020); and
- \$2,750,000 to senior associate director of athletics who alleged sexual harassment by Cal State Los Angeles athletic director (settlement in 2018).

After deducting these four outlier cases from the sum total, the remaining amount paid between June 2014 and today’s date (a time period of more than 9 years) is \$2,544,156.50.

Thank you for the opportunity to respond to your questions. Please do not hesitate to contact me with any questions about the content of this reply. We look forward to continuing to work with you to advocate for, and ensure, a culture of compliance and care at each of our 23

⁹ CSURMA is the risk pool and self-insurance program for the California State University, pursuant to Cal. Gov. Code section 11007.4 and the Standing Orders of the Board of Trustees. The California State University Risk Management Authority [policy](#) authorizes self-insurance programs for University exposures including but not limited to employer liability, general liability, errors and omissions, professional liability, property damage and other lines of coverage. The amounts paid by CSURMA are subject to campus deductibles, which vary from campus-to-campus, and year-to-year.

universities. It is a culture to which our students and employees are entitled, and it is the culture that they deserve.

Sincerely,



Leora D. Freedman
Vice Chancellor for Human Resources

cc: Chancellor Mildred García

Cozen O'Connor Systemwide Report Recommendations

[A.] Chancellor's Office Infrastructure and Oversight: Recommendations¹

[a. System-Level Recommendations]

1. Restructure Systemwide Title IX and DHR Compliance Services (which are currently separate) to create a Systemwide Title IX and Civil Rights Division
 - 1.1. Create an Associate/Assistant Vice Chancellor for Title IX and Civil Rights position to lead the Title IX/Civil Rights Division. This position should report to the Vice Chancellor for Human Resources or directly to the Chancellor
 - 1.2. Assess and realign existing positions within Systemwide Title IX and DHR Compliance Services to position the newly created Title IX/Civil Rights Division to provide a tiered accountability structure that includes direct oversight and supervision of campus Title IX/DHR programs as well as the provision of systemwide functions and responsibilities
 - 1.2.1. Create a minimum of five positions to serve as regional directors, each of whom will have designated oversight of 4 to 5 individual campuses
 - 1.2.2. Create a Systemwide Prevention, Education, and Training Coordinator/Director position to oversee and coordinate strategic planning and compliance with federal and state legal requirements
 - 1.2.3. Create a Systemwide Investigations and Resolutions Coordinator/Director position to oversee the Center for Investigations and Resolutions and assist in setting systemwide standards for investigative protocols, templates, and timelines
 - 1.2.4. Create a Systemwide Data Specialist position to direct and oversee the implementation of an enterprise-level case management system at the Chancellor's Office and each university
 - 1.2.5. Ensure appropriate administrative support within the Title IX/Civil Rights Division
2. Centralize Oversight and Accountability Processes for Campus Title IX/DHR Programs in the Title IX/Civil Rights Division

¹ These recommendations begin on page 67 of the [Cozen O'Connor Systemwide Report](#) (link last accessed September 30, 2023.)

- 2.1. Engage in and communicate a deliberate shift in the manner of engagement (from advisory to oversight) between the Chancellor's Office and the individual universities related to areas of significant compliance-based responsibilities, including Title IX and DHR programs, as well as the Clery Act and related requirements
- 2.2. Develop systemwide implementation expectations through policies, procedures, operating protocols, and standards for oversight, accountability, and partnership with each university to drive institutional consistency and accountability across the system
- 2.3. Provide support and tiered accountability structures to strengthen coordination and internal procedures at each university
 - 2.3.1. Monitor and assure that process standards are met, including intake and outreach, initial assessment, provision of supportive measures, investigation, report-writing, hearings, outcomes, sanctions, appeals, informal resolution, documentation and record-keeping, and timing and communications about good cause delays
 - 2.3.2. Clearly articulate consequences for non-compliance with system-directed standards, procedures, and protocols
 - 2.3.3. Evaluate and remedy non-compliance through regular oversight and accountability standards including – where necessary due to continued non-compliance – placement of program in receivership
- 2.4. Develop and roll out process for rigorous screening and evaluation of the effectiveness of campus TIX/DHR functions, including periodic reviews for quality assurance in responsiveness, documentation, and adherence to the Nondiscrimination Policy
- 2.5. Assist in development of the campus level multidisciplinary teams (MDT)
 - 2.5.1. Develop standardized care compliance protocols for MDT process, including by providing initial, hands-on oversight; monthly check-ins with metrics; and, collecting and reviewing metrics on Title IX and DHR cases at the end of each semester for each university
 - 2.5.2. Include an annual metrics review with data analysis to inform areas for improvement and prevention efforts at each university
- 2.6. Develop protocols for Title IX/DHR and key campus partners that outline specific factors to document in each matter (include a requirement to document the absence of factors or information as well) to ensure the

exercise of informed and consistent judgment and replace *ad hoc* process for decision-making (which can inform judgments across the CSU)

- 2.7. Develop a strategic plan to conduct a periodic review of each university's Title IX and DHR program to ensure that all 23 programs have an annual review on at least one aspect of the program (e.g. metrics, documentation systems, case response, prevention and education programming, website, etc.), with the expectation that all defined elements will be reviewed within a 3-year span
 - 2.8. Produce annual systemwide and university-based reports outlining implementation milestones and metrics
 - 2.9. Develop protocols to ensure that Regional Directors have routine engagement with Title IX/DHR programs to monitor effectiveness and implementation at the case level
 - 2.10. Develop protocols and standards to review initial assessments, closures, investigation reports, written determinations, and as appropriate, incorporate legal review of these key stages in the process
 - 2.11. Assist in recruiting, hiring, onboarding and evaluating campus Title IX/DHR professionals for consistent expectations and implementation fluency
 - 2.12. Assist in helping campus Title IX/DHR programs develop transition plans to cover core functions during times of transition
 - 2.13. Develop protocols and standards for oversight of prevention and education, investigations and resolutions
 - 2.14. Create a protocol for after hours and emergent access to the AVC, regional directors, and others with commensurate training and experience
 - 2.15. Create a system to document questions about the application of the Nondiscrimination Policy, answers and decisions for consistent application and share annual update of decisions, questions and answers
3. Create a Center for Investigation and Resolution (CSU-CIR), initially developed under the systemwide leadership of the Chancellor's office, but which we recommend be expanded to an independent entity
 - 3.1. The Systemwide Investigations and Resolutions Coordinator/Director will work to develop the proposal, funding model, budget requirements, staffing, and protocols for the CSU-CIR

- 3.2. The CSU-CIR should provide trained, experienced, neutral, and impartial professionals, which are available to each university to serve as an investigator, a hearing officer, or a facilitator of informal resolution
- 3.3. The CSU-CIR should contemplate future state expansion capacity for the provision of statewide investigations for other educational institutions, including community colleges, which would allow it to be revenue-generating
- 3.4. The CSU-CIR may also be expanded to serve as a state of the art training facility and post-graduate certificate or degree program for Title IX and DHR professionals
- 4. Develop or procure an enterprise-level case management system to centralize data collection related to Title IX and DHR reports,² allow for real-time access and oversight, and conduct data analytics, with the following functionality:
 - 4.1. Track, monitor, integrate, and operationalize legal requirements and effective practices that prioritize consistent and equitable care for all constituents
 - 4.2. Model effective and consistent business processes that elevate care and compliance
 - 4.3. Track individuals and incidents that span multiple institutions within the system
 - 4.4. Extrapolate data to inform predictive analytics
- 5. Develop a robust web presence for the Title IX/Civil Rights Division that includes information about systemwide policies, resources, and programs; information about university-level programs; educational information about Title IX, DHR, the Clery Act, and California state law; a copy of this report, the state auditor's report, and information about the CSU response to the recommendations contained in each report
- 6. Expand staffing in Office of General Counsel to address critical understaffing and sufficiently support campus legal implementation needs in light of the complexity of the issues identified in this report
 - 6.1. In particular, we recommend reviewing and adjusting the number of University Counsel assigned to each university to ensure that the university has access to timely legal advice – a one attorney per university model is inadequate to address the varied and complex needs

² The enterprise-level case management system can also be used to track data related to conduct, *other conduct of concern*, protection of minors, and Clery Act responsibilities.

of each of the universities, which vary greatly in size, composition, and the volume of legal issues faced

7. Consider an internal project manager to drive the creation and time frames for implementation of these recommendations, to move the plan as efficiently as possible, and to share routine reporting updates with senior leadership, the Board, and the community

[B.] Recommendations to Address Infrastructure Challenges³

[a. System-Level Recommendations]

1. Assess and Allocate Sufficient Budget Resources
 - 1.1. Conduct an audit of existing budget lines allocated to campus Title IX/DHR programs, including fees for external investigators, hearing officers, and other Title IX/DHR related resources
 - 1.2. Conduct an audit of existing budget lines allocated to confidential campus advocates, prevention and education specialists, and respondent resources at each university
 - 1.3. Map functions within each campus Title IX/DHR programs to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis, administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses
 - 1.4. Develop consistent position descriptions and salary ranges per position to be applied consistently across the CSU (ranges could also address variations in the cost of living in the relevant geographic area)
 - 1.4.1. Benchmark position descriptions against comparable positions
 - 1.4.2. Benchmark salary ranges against comparable positions to attract and retain quality candidates
 - 1.5. Set minimum baseline staff and resourcing necessary to implement an effective Title IX and DHR response program per campus
 - 1.6. Work with internal government relations personnel and partner with other state-funded systems to advocate for sufficient funding to meet federal and state requirements to serve students, faculty, and staff

³ These recommendations begin on page 87 of the Cozen O'Connor Systemwide Report.

- 1.7. Advocate for a line-item budget request to secure permanent and reliable funding for Title IX Coordinators, DHR Administrators, and accompanying support services and personnel, rather than renewing budget requests annually
 - 1.7.1. The line-item should take into account the federal and state compliance requirements related to resources, care, support, advisory services, confidential advocate, prevention and education funding, and investigations and adjudications.
- 1.8. Identify budget line funding for an enterprise-level case management system
2. Identify a model for supporting campus resources: confidential advocate and respondent support
3. Expand staffing in Office of General Counsel to address critical understaffing and sufficiently support campus implementation needs
4. On each campus, map where records are currently kept – HR, Faculty Affairs, Student Conduct, Res Life, UPD – and ensure: 1) integration with systems of record, and 2) ability to query by Respondent name and Complainant name, at a minimum

[b. Campus-Level Recommendations]

1. Work with CO to develop project plans for addressing gaps and implementing recommendations
2. Identify recurring baseline funding for Title IX/DHR program
3. For the campuses that still maintain separate Title IX and DHR programs, consolidate the programs into a centralized office
4. Commit to implementing an enterprise-level case management system to align with the Chancellor’s Office oversight
5. Ensure an adequate supervisory model that includes routine cadence of supervisory meetings, guidance about how to ensure effective oversight, appropriate level of detail for review, integration into decision-making frameworks, and balancing Title IX/DHR professionals’ independence and autonomy with need to identify and elevate critical issues and concerns about safety/risk
6. Commit to additional campus-specific recommendations in our written report tailored to address unique challenges at each university

[C.] Recommendations re: Prevention, Education, Training and Awareness⁴

[a. System-Level Recommendations]

1. Within the Chancellor’s Office, create at least one full-time position dedicated to the oversight, development and coordination of prevention and education programming related to discrimination and harassment, including sexual and gender-based harassment, sexual assault, dating violence, domestic violence, stalking and retaliation. The portfolio for this role should include:
 - 1.1. Develop the structure for a Title IX/DHR prevention plan, and work with Systemwide partners to integrate this plan into a holistic, collaborative framework that integrates wellness, violence prevention, safety and mental health
 - 1.2. Develop a strategic plan to guide prevention work across the CSU system
 - 1.3. Build on current matrix maintained by the Chancellor’s Office to ensure inclusion of all federal and state training requirements
 - 1.4. Track progress towards accomplishing these requirements
 - 1.5. Ensure that the matrix is comprehensive and updated regularly
 - 1.6. Help each university develop a strategic plan and training calendar of compliance and educational programs.
 - 1.7. Help identify grant opportunities and resources to assist universities in building their capacity to provide comprehensive programming.
 - 1.8. Create and catalogue a library of written, video, and other resources for use by campuses (fact sheets, blog posts, podcasts, basic presentations, statistics, etc.)
 - 1.9. Build and maintain a network of prevention and education specialists within the system, including developing a culture of resource sharing across the campuses
 - 1.10. Develop systemwide social norm campaigns and provide guidance on campus specific social norm campaigns
 - 1.11. Chair a systemwide prevention advisory committee, which should include representation from each of the 23 universities

⁴ These recommendations begin on page 109 of the Cozen O’Connor Systemwide Report.

- 1.12. Coordinate quarterly meetings with all campus professionals tasked with prevention and education responsibilities
 - 1.13. Host an annual systemwide symposium focused on prevention and education
 - 1.14. Build content to align with federal and state legal requirements, as well as effective, evidence-based practices in prevention and education
 - 1.15. Work with campus prevention, education, and response staff to identify trends each year that can be addressed in subsequent years' programming efforts
 - 1.16. Identify opportunities to develop promising practices, including conducting an annual environmental scan of programs and practices at other schools/peer institutions
 - 1.17. Identify opportunities to develop programming to address problematic behaviors in individuals who have been found responsible for policy violations
 - 1.18. Seek and obtain cooperation of the unions to support education/training of the employees they represent, along with union commitment to support the university when it seeks compliance with these programs
2. In collaboration with Learning and Development Services, this new role should develop additional education and programming for all university-level senior leaders, deans, department chairs, and managers on Title IX and DHR; respectful and inclusive environments; the care-compliance continuum; conflict resolution; bystander intervention strategies; effective leadership and supervision; Reporting responsibilities under Title IX, the Clery Act, CANRA, and any other related state, federal, or local reporting requirements
 3. Require all campuses to adopt a common learning management system for students and employees, which will allow for launch and rollout of consistent content, tracking of consistent data, provide uniform access to all constituencies, and connections to accountability measures
 4. Inform culture, DEI efforts, and future communications by sharing information and working collaboratively with systemwide and campus-based DEI professionals
 5. In collaboration with Marketing and Strategic Communications, this new role should develop a comprehensive and systemwide strategic communication strategy that includes awareness campaign materials, social norm campaigns, web resources, and toolkits capable of customization by campus

[b. Campus-Level Recommendations]

6. Allot sufficient budget lines to ensure consistent, baseline funding for personnel, programming, and technology/learning management systems
7. Designate one individual with specific oversight of all campus prevention and education planning and programming, preferably a full-time role without other job responsibilities
8. Convene a campus-wide prevention advisory committee to coordinate and align programming across campus
9. With assistance from the Chancellor's Office, develop a strategic plan for campus programming that identifies all Title IX and DHR-related training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential campus partners that can collaborate to deliver content
 - 9.1. Constituent groups should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); campus partners who assist in the implementation of Title IX/DHR
 - 9.2. Identify all campus partners who provide Title IX and DHR-related programming, including affinity and identity-based centers and student affairs personnel
 - 9.3. Identify opportunities for virtual and in person engagement
 - 9.4. Develop core principles and standards for content development
 - 9.5. Build a campus calendar that includes online modules, social norm campaigns, orientation for students and employees, recurring opportunities for programming, and awareness events
10. Facilitate consistent communication plan each semester that includes dissemination of the policy, notice of non-discrimination, reporting options and resources
11. Ensure that programming is coordinated, tracked, and communicated
12. Develop a campus website dedicated to Title IX and DHR-related prevention and campus programming that is kept current and facilitates distribution of prevention and education materials

13. Identify social media platforms and other vehicles for distributing programming information on a regular basis
14. In conjunction with the Chancellor's Office, expand professional development and training for faculty and staff, including senior leadership, deans, department chairs, managers and leads on Title IX and DHR; respectful and inclusive environments; conflict resolution; bystander intervention strategies; effective leadership and supervision; and, reporting responsibilities under Title IX, the Clery Act, and CANRA
 - 14.1. Ensure the training includes information about prohibited consensual relationships given the significant overlap of prohibited consensual relationships with Title IX, DHR and *other conduct of concern*
15. Create routine training, education, and professional development opportunities to cultivate competencies in navigating difficult conversations, bridging differences, and modeling respect and civility
16. Evaluate the potential opportunities for curricular or course-based programming and syllabi statements
17. Conduct awareness campaign for Title IX/DHR Office
 - 17.1. Utilize marketing and communications professionals
 - 17.2. Invest in branding, social media use, and campaigns
18. Commit to providing programming regarding bystander engagement
19. Participate in national conferences, listservs, networking events
20. Engage students in the development and delivery of programming through peer educator/peer advocate programs
21. Identify student leaders who can serve as ambassadors/promoters of this work
22. Develop consistent on-campus opportunities to be visible and present in the community

[D.] Recommendations re: Other Conduct of Concern⁵

[a. System-Level and Campus-Level Recommendations]

1. Develop a written policy, document, or statement by senior leadership to establish expectations, guidelines, and/or definitions of conduct

⁵ These recommendations begin on page 123 of the Cozen O'Connor Systemwide Report.

- 1.1. The written framework should address unprofessional conduct, abusive conduct, microaggressions, acts of intolerance, and other disruptive behavior in the living, learning and working environment
- 1.2. The written framework must also address intersections with free speech and academic freedom, including the explicit recognition that the CSU cannot discipline for pure speech
- 1.3. Consider hosting a symposium that involves systemwide implementers, representatives from collective bargaining units, and legal experts on free speech and academic freedom to discuss collaborative approaches to achieving shared goals around addressing workplace and campus conduct that may not rise to the level of a violation of the Nondiscrimination Policy but is otherwise disruptive to the living, learning, and working environment
2. Reinforce CSU values and expectations about respect, tolerance, and professionalism through programming and opportunities for in-person engagement
3. Strengthen and expand available campus competencies regarding conflict resolution, navigating interpersonal conflict, restorative justice, and other forms of remedial responses:
 - 3.1. Strengthen traditional employee relations functions within human resources to assist in responding to concerns involving faculty and staff
 - 3.2. Strengthen competencies of managers, supervisors, department chairs, and leads by providing expanded training and professional development
 - 3.3. Consider the need for additional personnel, such as an ombudsperson or a conflict resolution professional, including those with expertise in restorative justice and mediation
 - 3.4. Develop communications competencies to embrace the tension of difficult issues including the intersections of speech in the contexts of politically and socially charged events and issues
 - 3.5. Communicate new and available conflict resolution suite of resources through web content, annual training, and awareness campaigns
4. Create a centralized reporting mechanism at the campus level that includes the option for online and anonymous reporting
5. Build a triage model/review process to ensure that all reports are assessed by core campus implementers and evaluate potential avenues for resolution that include the following
 - 5.1. Identify potential policy violation and investigative response, if any

- 5.2. Refer to the appropriate administrator/department to coordinate/lead the response
- 5.3. Identify reasonably available individual supportive measures, if any
- 5.4. Identify appropriate community remedies, if any
6. Develop a review/triage team, which includes, at a minimum, representatives from Student Affairs, Faculty/Academic Affairs, Human Resources, UPD, Inclusive Excellence and/or Chief Diversity Officer, Title IX Coordinator, DHR Administrator, and University Counsel
7. The reporting and resolution processes must ensure sufficient documentation system to track responsiveness, patterns and trends
8. This information should be tracked and analyzed to inform the need for remedial actions regarding culture and climate, targeted prevention programming, and ongoing issues of concern at both the campus and system-level
9. To aid in building these competencies, systems, and structures on campus, the Chancellor's Office should be tasked with:
 - 9.1. Providing support and guidance
 - 9.2. Developing the report and triage structure
 - 9.3. Creating templates and process flows
 - 9.4. Procuring or developing the records management system that should be used consistently on all campuses

[E.] Recommendations to Address the Trust Gap⁶

[a. System-Level Recommendations]

1. Senior leadership must clearly communicate priorities, commitment, and values
2. As noted elsewhere, develop robust, accessible web presence for the Title IX/Civil Rights Division
3. Create a system-level advisory committee that includes faculty, staff and student representation
4. Develop clear and plain language communications that are responsive to the needs of the community

⁶ These recommendations begin on page 136 of the Cozen O'Connor Systemwide Report.

5. Create systemwide annual report
6. Track and share data/metrics
7. Conduct routine systemwide and university climate surveys
8. Create anonymous reporting options at the system and campus level that have the ability for communication with the reporting party
9. Create a standardized annual report structure for all campuses, which includes not just information about reports but also includes other critical work being performed by Title IX/DHR program, including metrics on the provision of supportive measures, prevention, education, and training

[b. Campus-Level Recommendations]

10. Identify opportunities for routine, scheduled interactions between and among implementers and all constituents that create the space for conversation and communicate care
11. Increase visibility and awareness of Title IX/DHR functions and resources through an awareness campaign and outreach programming
12. Prioritize in-person interactive engagement with students, faculty and staff
13. Provide a written statement of concern at the conclusion of the initial assessment to ensure that the complainant (and as appropriate, the respondent) have a clear understanding of the nature of the report and the proposed resolution path
14. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
15. Develop an expanded annual report with meaningful information/data
16. Collect post-process feedback of parties and all impacted individuals

[F.] Recommendations for Enhanced Accountability⁷

[a. System-Level and Campus-Level Recommendations]

1. Continue to evaluate barriers to reporting and engagement at the campus level, with aggregation of data and advice and guidance by the Chancellor's Office
2. Review and revise tone, content, and format of reporting forms and other template communications

⁷ These recommendations begin on page 161 of the Cozen O'Connor Systemwide Report.

3. Identify and reconcile conflicts between collective bargaining agreements, state statutory rights, and other state and federal requirements
 - 3.1. Convene conference with campus leaders and system leaders to engage in meaningful and constructive discussion about the overlapping, complex, and conflicting state, contractual, and federal legal requirements
 - 3.2. Convene meaningful and constructive discussion and, where appropriate, bargaining, with representative union groups to reconcile these conflicts
4. Document, track, and assess effectiveness of Title IX/DHR programs
5. Within campus Title IX/DHR programs, coordinate with the Regional Director and Systemwide Title IX/Civil Rights Division to:
 - 5.1. Map process for standards, efficiency, conflicts and gaps
 - 5.2. Develop robust intake, outreach, and case management for supportive measures and resources
 - 5.3. Develop integrated, written processes for initial assessment
 - 5.4. Separate support/advocacy functions from investigation
 - 5.5. Strengthen campus collaboration and information sharing through multidisciplinary team
 - 5.6. Develop tools for consistent, effective documentation and case management
 - 5.7. Oversee investigations for competency and consistency of prompt and equitable processes
6. Review the current disciplinary processes for faculty to promote prompt and equitable processes
 - 6.1. Ensure Title IX Coordinator/DHR Administrator remains engaged in sanction and appeal until final
 - 6.2. Ensure that decisions about negotiated settlements are supported by careful and coordinated review by all relevant campus and system level administrators

California State Audit Recommendations¹

[A.] Initial Assessment and Investigation Procedures

[CSA1.] To ensure that campuses consistently and appropriately justify and document their decisions about whether to conduct formal investigations, the Chancellor's Office should, by July 2024, create clearer and more comprehensive expectations for how campuses should perform and document their initial assessments of allegations. The written procedures or guidelines it develops should apply, at a minimum, to any report or complaint that includes allegations of possible sexual harassment involving an employee respondent and should do the following:

- Require campuses to determine whether a respondent has been the subject of multiple or prior reports of misconduct.
- Clarify how to assess the benefits and risks of conducting or not conducting an investigation when there are challenges with or ambiguities about a complainant's desire or ability to participate. Such an assessment might include applying more broadly the factors that CSU's policy already incorporates when a complainant explicitly requests that no investigation occurs.
- Provide guidance about attempting to identify or contact any potential complainants mentioned or discovered during the intake and initial assessment process and about evaluating the likelihood that an investigation could reveal new allegations, context, or information.
- Specify that if a campus decides not to conduct an investigation because a report or complaint fails to allege a sexual harassment policy violation, the campus must explain why there are clear indications that the alleged conduct, even if true, could not reasonably meet CSU's definition of sexual harassment.
- Require a thorough, documented rationale for campuses' decisions about whether to conduct an investigation that addresses, at a minimum, any applicable factors listed above and any other relevant factors in CSU's policy.

[CSA2.] To ensure that campuses conduct consistent and effective investigations of allegations of sexual harassment, the Chancellor's Office should, by July 2024, establish more specific expectations for how investigators should structure their analyses of evidence and their determinations in sexual harassment investigation reports. The written procedures or guidelines should, at minimum, do the following:

¹ These recommendations begin on page 59 of the [California State Auditor Report](#) (link last accessed September 30, 2023.)

- Specify how investigators should perform and document credibility evaluations.
- Require that before investigators assess whether the alleged conduct violated policy, they document an assessment of each allegation that establishes whether the alleged conduct likely occurred and that these assessments consider all relevant conduct for which the investigator has identified evidence.
- Require investigators to document analysis specific to each relevant component of CSU’s sexual harassment definition that addresses whether conduct met or did not meet the particular component of the definition.
- Require that investigators’ analyses and final determinations about whether conduct violated the sexual harassment policy take into account the cumulative effect of all relevant conduct found to have likely occurred.

[CSA 3.] To ensure that campuses’ determinations about sexual harassment are consistent and appropriate, the Chancellor’s Office should create and disseminate written guidance by July 2024 that provides a framework for how investigators should interpret each component of CSU’s sexual harassment definition and how they should determine whether alleged conduct meets that definition. The guidance should include specific examples as necessary.

[CSA 4.] To ensure consistency in campuses’ responses to sexual harassment allegations and mitigate the risk of inappropriate interference, the Chancellor’s Office should amend CSU’s sexual harassment policy or create other procedures by July 2024 to require a documented review and approval of the analyses and outcomes of each report of sexual harassment. In particular, the Chancellor’s Office should specify the following:

- Unless resource constraints or other good causes exist, the campus Title IX coordinator should assign each case to another staff member or investigator. The coordinator should then document his or her review of each case, including certification that the case’s resolution—such as the initial assessment or the investigation and related report, as applicable—aligns with policy requirements.
- For exceptions such as cases that the Title IX coordinator handles directly, another qualified reviewer should document his or her review and approval of the analyses and outcomes.

[CSA 5.] To ensure that campuses adequately address problematic behavior that does not meet the threshold of sexual harassment, the Chancellor’s Office should, by January 2025, establish a systemwide policy or systemwide procedures for addressing this type of unprofessional or inappropriate conduct. At minimum, the Chancellor’s Office should require that when campuses determine through

an investigation that a respondent's conduct does not meet the threshold of sexual harassment, but that the conduct nevertheless occurred and was unprofessional or inappropriate, campuses make written findings specific to the unprofessional conduct and impose discipline or corrective action, as appropriate, based on the conduct.

- [CSA 6.] To ensure the effectiveness of the informal resolution process, the Chancellor's Office should, by July 2024, provide additional guidance to campuses related to this process. In particular, the guidance should clarify how campuses should offer complainants information about possible remedies that address their concerns. For example, the Chancellor's Office could work with campuses to create a template for an informal resolution agreement that also includes examples of specific corrective action options or other outcomes that parties could consider when determining remedies.

[B.] Timeliness of Investigation and Discipline Process

- [CSA 7.] To improve the timeliness of campuses' responses to sexual harassment allegations, the Chancellor's Office should require all campuses to track key dates and timeline extensions related to reports of sexual harassment in a consistent manner by July 2024. For example, it could require the use of a tracking spreadsheet or automated alerts to ensure that campuses are aware of relevant deadlines and that they identify any trends in their timeliness of handling reports.
- [CSA 8.] To better ensure the timeliness of investigations, the Chancellor's Office should identify a solution by July 2024 for ascertaining that campuses have adequate resources for conducting formal investigations. As part of this process, the Chancellor's Office should consider whether employing a pool of dedicated systemwide investigators who are external to campuses would help provide timely, consistent, and independent investigations for campuses when they choose not to investigate allegations themselves or lack the available internal resources to do so. Finally, once it has identified a solution, the Chancellor's Office should implement this solution.
- [CSA 9.] To more effectively communicate the status of cases to the parties involved, the Chancellor's Office should amend CSU's sexual harassment policy by January 2025 to include specific requirements for campuses to provide regular status updates to complainants and respondents unless those parties request not to receive them. These updates should also communicate the outcomes of cases, including any associated disciplinary or corrective actions, to the extent possible under law. The Chancellor's Office should also consider developing or requiring campuses to develop a method for allowing complainants and respondents to check the status of their specific cases at any time through an online portal, dashboard, or similar means.
- [CSA 10.] To ensure that campuses provide prompt discipline, the Chancellor's Office should provide guidance to campuses by July 2024 about best practices for

initiating, carrying out, and documenting timely disciplinary or corrective actions after a finding of sexual harassment. Further, it should encourage campuses to communicate these principles to relevant decision makers. This guidance should include providing a prompt notice of pending disciplinary action to a respondent when applicable.

[C.] Case File Documentation

[CSA 11.] To ensure that campuses make and document appropriate efforts to address sexual harassment allegations, the Chancellor's Office should, by July 2024, develop procedures or guidelines that include a specific list of documents that the campus Title IX coordinator must maintain in a sexual harassment case file before closing the case. The Chancellor's Office should consider attaching these guidelines to the CSU sexual harassment policy. The list should include the following, at a minimum:

- Documentation of the campus's initial assessment of allegations and its rationale for whether or not to conduct an investigation.
- Any evidence relevant to the allegations and documentation of all interview notes or transcripts.
- If applicable, an informal resolution agreement signed by all parties and documentation of the agreed-upon outcomes.
- Any significant correspondence between Title IX staff and the parties, from the report stage through case closure, including emails and notices of allegations, investigation, extension, and outcome.
- If applicable, the preliminary investigation report or review of evidence and the final investigation report.
- Evidence of and specific details about the disciplinary or corrective actions that the campus took to resolve the case.

[CSA 12.] To improve the quality and consistency of campuses' data and case files, the Chancellor's Office should require that, by July 2026, all campuses use the same electronic case management system to securely maintain sexual harassment data and case files and ensure that all campuses' case management systems are also accessible to systemwide Title IX staff. In addition, the Chancellor's Office should develop and disseminate guidance for consistently tracking data in each campus's system, including requiring that each system include the same fields for entering relevant data such as key dates and corrective actions taken. The guidance should also ensure that campuses maintain data sufficient to identify and address any concerning patterns or trends related to repeat subjects, particular departments, specific student or employee populations, or similar issues.

[D.] Systemwide Data and Oversight

[CSA 13.] To improve CSU’s systemwide response to sexual harassment, the Chancellor’s Office should establish a process no later than July 2024 for regularly collecting and analyzing sexual harassment data—via annual Title IX reports or a similar mechanism—from all campuses to identify any concerning patterns or trends, such as those involving repeat subjects, particular academic departments, or specific student or employee populations. As a part of these efforts, it should also collect and analyze data related to the timeliness of campuses’ responses to allegations. When it identifies concerning trends or patterns, the Chancellor’s Office should share its findings with the campuses and offer guidance for addressing the issues in question. Finally, upon implementing the recommendation that all campuses use the same case management system, the Chancellor’s Office should use these systems to collect and facilitate its analysis of these data.

[CSA 14.] To assist campuses in providing a harassment-free environment for their students and employees, the Chancellor’s Office should, by July 2024, create a policy—such as an attachment to its sexual harassment policy—for conducting regular compliance reviews of its campus Title IX offices to determine whether they are complying with relevant portions of federal law, state law, CSU policy, and best practices for preventing, detecting, and addressing sexual harassment and related misconduct. The Chancellor’s Office should publicize the results of these reviews to the extent possible considering confidentiality concerns, and it should similarly publicize any steps it has taken or plans to take to address areas of concern it identifies. In preparation for performing this work, the Chancellor’s Office should determine the number of additional staff that it will need to conduct these reviews.

[CSA 15.] To encourage systemwide adoption of best practices, the Chancellor’s Office should, by January 2025, make revisions to its systemwide prevention policy or otherwise provide written guidance to campuses reflecting comprehensive best practices for preventing, detecting, and addressing sexual harassment. To develop these best practices, it should consult sources such as the U.S. Department of Justice’s 2021 resolution agreement with San José State. The best practices should cover at least the following:

- How campuses should maintain accessible options for reporting sexual harassment.
- How campuses can widely disseminate information about their sexual harassment reporting options and related processes through methods such as campus-wide emails, social media platforms, on-campus postings, and student handbooks.
- How campuses can develop and distribute streamlined informational materials that explain key aspects of their processes related to sexual harassment.

- How campuses can monitor whether students and employees have completed required training.
- How campuses can most effectively make use of climate surveys through steps such as surveying both students and employees, designing surveys to assess the effectiveness of their sexual harassment prevention and education efforts, and establishing a documented process for taking action in response to survey findings.

[E.] Letters of Recommendation

[CSA 16.] To ensure that campuses do not endorse employees who have been found responsible for sexual harassment, the Chancellor's Office should amend its policy for letters of recommendation by July 2024 to prohibit official positive references for all employees or former employees with findings of sexual harassment, including those who have received less severe discipline than termination, such as suspension or demotion. Alternatively, the Chancellor's Office could consider amending its policy for letters of recommendation to require that official positive references for employees or former employees with findings of sexual harassment that did not lead to separation include a disclosure of the employee's violation of CSU's sexual harassment policy.

Report	Report Heading	Recommendation Number	2023-Q3	2023-Q4	2024-Q1	2024-Q2	2024-Q3	2024-Q4	2025-Q1	2025-Q2	2025-Q3	2025-Q4	2026-Q1	2026-Q2	2026-Q3	2026-Q4
BUILD INFRASTRUCTURE																
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.3.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.2.4.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.1.2.3.														
Cozen O'Connor	B. Infrastructure Challenges	a. 3.														
Cozen O'Connor	B. Infrastructure Challenges	a. 3.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 6.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 6.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 6.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 6.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.2.2.														
Cozen O'Connor	C. Prevention and Education	a. 1.														
Cozen O'Connor	C. Prevention and Education	a. 1.1.														
Cozen O'Connor	C. Prevention and Education	a. 1.2.														
Cozen O'Connor	C. Prevention and Education	a. 1.3.														
Cozen O'Connor	C. Prevention and Education	a. 1.14.														
Cozen O'Connor	C. Prevention and Education	a. 1.10.														
Cozen O'Connor	C. Prevention and Education	a. 1.17.														
Cozen O'Connor	C. Prevention and Education	a. 1.18.														
Cozen O'Connor	C. Prevention and Education	a. 1.18.														
Cozen O'Connor	C. Prevention and Education	a. 1.18.														
Cozen O'Connor	C. Prevention and Education	a. 1.6.														
Cozen O'Connor	C. Prevention and Education	a. 1.7.														
Cozen O'Connor	C. Prevention and Education	a. 1.8.														
Cozen O'Connor	C. Prevention and Education	a. 1.9.														
Cozen O'Connor	C. Prevention and Education	a. 2.														
Cozen O'Connor	C. Prevention and Education	a. 4.														
Cozen O'Connor	C. Prevention and Education	a. 5.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.2.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.2.5.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 7.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 7.														
ESTABLISH STANDARDS																
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.10.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.13.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.3.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.9.														
State Auditor	A. Initial Assessment and Investigation	CSA 4.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.1.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.6.														
State Auditor	C. Case File Documentation	CSA 11.														
State Auditor	B. Timeliness of Process	CSA 7.														
State Auditor	B. Timeliness of Process	CSA 9.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.14.														

Report	Report Heading	Recommendation Number	2023-Q3	2023-Q4	2024-Q1	2024-Q2	2024-Q3	2024-Q4	2025-Q1	2025-Q2	2025-Q3	2025-Q4	2026-Q1	2026-Q2	2026-Q3	2026-Q4
State Auditor	A. Initial Assessment and Investigation	CSA 6.														
State Auditor	A. Initial Assessment and Investigation	CSA 1.														
State Auditor	A. Initial Assessment and Investigation	CSA 2.														
Cozen O'Connor	C. Prevention and Education	a. 3.														
Cozen O'Connor	C. Prevention and Education	a. 3.														
State Auditor	E. Letters of Recommendation	CSA 16.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.5.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.5.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.5.1.														
Cozen O'Connor	D. Other Conduct of Concern	a. 1.														
Cozen O'Connor	D. Other Conduct of Concern	a. 1.														
Cozen O'Connor	D. Other Conduct of Concern	a. 1.1.														
Cozen O'Connor	D. Other Conduct of Concern	a. 1.1.														
Cozen O'Connor	D. Other Conduct of Concern	a. 1.2.														
Cozen O'Connor	D. Other Conduct of Concern	a. 1.2.														
Cozen O'Connor	D. Other Conduct of Concern	a. 9.														
Cozen O'Connor	D. Other Conduct of Concern	a. 9.														
Cozen O'Connor	D. Other Conduct of Concern	a. 9.2.														
Cozen O'Connor	D. Other Conduct of Concern	a. 9.3.														
State Auditor	A. Initial Assessment and Investigation	CSA 5.														
State Auditor	A. Initial Assessment and Investigation	CSA 3.														
Cozen O'Connor	F. Accountability	a. 5.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.4.														
State Auditor	B. Timeliness of Process	CSA 10.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.3.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.4.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.5.														
Cozen O'Connor	B. Infrastructure Challenges	a. 2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.11.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.12.														
Cozen O'Connor	F. Accountability	a. 2.														
EXERCISE OVERSIGHT																
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 1.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.3.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.3.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.3.3.														
Cozen O'Connor	E. Trust Gap	a. 3.														
Cozen O'Connor	E. Trust Gap	a. 3.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.														
Cozen O'Connor	B. Infrastructure Challenges	a. 1.7.														
Cozen O'Connor	F. Accountability	a. 6.														
Cozen O'Connor	F. Accountability	a. 6.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.6.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.6.														
Cozen O'Connor	B. Infrastructure Challenges	a. 4.														
Cozen O'Connor	B. Infrastructure Challenges	a. 4.														
State Auditor	D. Systemwide Data and Oversight	CSA 15.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a. 2.5.1.														

Report	Report Heading	Recommendation Number	2023-Q3	2023-Q4	2024-Q1	2024-Q2	2024-Q3	2024-Q4	2025-Q1	2025-Q2	2025-Q3	2025-Q4	2026-Q1	2026-Q2	2026-Q3	2026-Q4
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.3.1.														
Cozen O'Connor	F. Accountability	a.4.														
State Auditor	D. Systemwide Data and Oversight	CSA 13.														
State Auditor	D. Systemwide Data and Oversight	CSA 13.														
Cozen O'Connor	D. Other Conduct of Concern	a.9.1.														
Cozen O'Connor	C. Prevention and Education	a.1.11.														
Cozen O'Connor	C. Prevention and Education	a.1.12.														
Cozen O'Connor	C. Prevention and Education	a.1.13.														
Cozen O'Connor	C. Prevention and Education	a.1.15.														
Cozen O'Connor	C. Prevention and Education	a.1.15.														
Cozen O'Connor	C. Prevention and Education	a.1.15.														
Cozen O'Connor	C. Prevention and Education	a.1.16.														
Cozen O'Connor	C. Prevention and Education	a.1.4.														
Cozen O'Connor	C. Prevention and Education	a.1.5.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.4.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.5.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.5.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.5.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.7.														
State Auditor	D. Systemwide Data and Oversight	CSA 14.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.8.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.8.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.8.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.11.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.11.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.12.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.12.														

ASSIST CAMPUS IMPLEMENTATION TEAMS

The below represents when the Chancellor's Office will receive each university's project plan, not when the recommendations will be implemented

Cozen O'Connor	B. Infrastructure Challenges	b.2.														
Cozen O'Connor	C. Prevention and Education	b.6.														
Cozen O'Connor	B. Infrastructure Challenges	b.4.														
Cozen O'Connor	C. Prevention and Education	b.10.														
Cozen O'Connor	E. Trust Gap	b.10.														
Cozen O'Connor	E. Trust Gap	b.11.														
Cozen O'Connor	E. Trust Gap	b.12.														
Cozen O'Connor	E. Trust Gap	b.14.														
Cozen O'Connor	E. Trust Gap	b.16.														
Cozen O'Connor	C. Prevention and Education	b.17.														
Cozen O'Connor	C. Prevention and Education	b.22.														
Cozen O'Connor	D. Other Conduct of Concern	a.7.														
Cozen O'Connor	D. Other Conduct of Concern	a.8.														
Cozen O'Connor	D. Other Conduct of Concern	a.6.														
Cozen O'Connor	C. Prevention and Education	b.15.														
Cozen O'Connor	C. Prevention and Education	b.11.														
Cozen O'Connor	C. Prevention and Education	b.12.														
Cozen O'Connor	C. Prevention and Education	b.13.														
Cozen O'Connor	C. Prevention and Education	b.14.														
Cozen O'Connor	C. Prevention and Education	b.16.														
Cozen O'Connor	C. Prevention and Education	b.18.														
Cozen O'Connor	C. Prevention and Education	b.20.														
Cozen O'Connor	C. Prevention and Education	b.21.														

Report	Report Heading	Recommendation Number	2023-Q3	2023-Q4	2024-Q1	2024-Q2	2024-Q3	2024-Q4	2025-Q1	2025-Q2	2025-Q3	2025-Q4	2026-Q1	2026-Q2	2026-Q3	2026-Q4
Cozen O'Connor	C. Prevention and Education	b.7.														
Cozen O'Connor	C. Prevention and Education	b.8.														
Cozen O'Connor	C. Prevention and Education	b.9.														
Cozen O'Connor	C. Prevention and Education	b.19.														
Cozen O'Connor	B. Infrastructure Challenges	b.1.														
Cozen O'Connor	F. Accountability	a.5.														
Cozen O'Connor	B. Infrastructure Challenges	b.6.														
Cozen O'Connor	D. Other Conduct of Concern	a.4.														
Cozen O'Connor	B. Infrastructure Challenges	b.3.														
Cozen O'Connor	B. Infrastructure Challenges	b.5.														
Cozen O'Connor	D. Other Conduct of Concern	a.5.														
Cozen O'Connor	E. Trust Gap	b.13.														
Cozen O'Connor	E. Trust Gap	b.15.														
Cozen O'Connor	F. Accountability	a.2.														
LEAD INITIATIVES																
Cozen O'Connor	B. Infrastructure Challenges	a.1.6.														
Cozen O'Connor	B. Infrastructure Challenges	a.1.8.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.4.														
Cozen O'Connor	D. Other Conduct of Concern	a.9.4.														
State Auditor	C. Case File Documentation	CSA 12.														
Cozen O'Connor	F. Accountability	a.1.														
Cozen O'Connor	F. Accountability	a.1.														
Cozen O'Connor	F. Accountability	a.1.														
Cozen O'Connor	E. Trust Gap	a.7.														
Cozen O'Connor	E. Trust Gap	a.1.														
Cozen O'Connor	E. Trust Gap	a.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.2.15.														
Cozen O'Connor	E. Trust Gap	a.4.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.5.														
Cozen O'Connor	E. Trust Gap	a.9.														
Cozen O'Connor	E. Trust Gap	a.5.														
Cozen O'Connor	E. Trust Gap	a.5.														
Cozen O'Connor	E. Trust Gap	a.5.														
Cozen O'Connor	E. Trust Gap	a.6.														
Cozen O'Connor	E. Trust Gap	a.6.														
Cozen O'Connor	E. Trust Gap	a.6.														
Cozen O'Connor	E. Trust Gap	a.6.														
State Auditor	B. Timeliness of Process	CSA 8.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.3.1.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.3.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.3.2.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.3.3.														
Cozen O'Connor	A. CO Infrastructure and Oversight	a.3.4.														
Cozen O'Connor	F. Accountability	a.3.														
Cozen O'Connor	F. Accountability	a.3.1.														
Cozen O'Connor	F. Accountability	a.3.2.														
Cozen O'Connor	D. Other Conduct of Concern	a.1.3.														
Cozen O'Connor	D. Other Conduct of Concern	a.2.														
Cozen O'Connor	D. Other Conduct of Concern	a.3.														
Cozen O'Connor	E. Trust Gap	a.8.														

A Charge to University Implementation Teams Regarding Cozen O'Connor Recommendations

Background

Each CSU university president has formed an Implementation Team to support the implementation of the recommendations of Cozen O'Connor's Systemwide Title IX and DHR assessment pertaining to their campus. Although the president may change the membership of the Implementation Team on an annual basis (or at other times if warranted), the team should, throughout the implementation process, include a member of the president's cabinet (or other high-level administrator), the Title IX coordinator, the DHR administrator and one (or more) of each of the following: a staff member; a faculty member, including a representative of the faculty senate; and a student, including a representative of Associated Students.

The Implementation Team should be chaired by the Title IX coordinator. The president may appoint a co-chair. (Any reference in this charge to "implementation chair" in the singular includes the plural where applicable.) The campus Title IX coordinator and DHR administrator (on many campuses, one person serves in both roles) are responsible for designing and planning the steps necessary to implement the recommendations, with assistance from the Cozen O'Connor team and the Chancellor's Office Title IX/DHR team (the CO Team). The roles of the other university Implementation Team members are as follows:

- To bring forward the perspective of campus community stakeholders by giving input and making recommendations regarding the implementation process and its specific steps. Implementation Team members should also seek input from other campus stakeholders who are involved in providing Title IX and other nondiscrimination-related services and programming or who otherwise have relevant subject matter expertise or experience.
- To help facilitate and support the implementation of each university's plan in a manner that is consistent with agreed-upon timelines, the goals of the assessment and campus culture.
- To drive informed and collaborative communications to all university stakeholders on implementation efforts.

The Office of General Counsel is an important legal resource and should be consulted regardless of whether university counsel is formally appointed to a university's Implementation Team. University counsel may provide training on legal subjects and advice to the Title IX coordinator and DHR administrator on legal issues that may arise. They should also be called on to provide legal advice on policy review, templates, draft communications and other documents.

One member of the CO Team will serve as the Chancellor's Office liaison to each university Implementation Team. The chair of the Implementation Team will frequently consult with the liaison to discuss, among other things, implementation challenges as well as proposed strategy and action steps so that the CO Team may provide timely guidance and oversight of university implementation work. Cozen O'Connor will also be available to meet with the Implementation Teams and the CO Team to answer questions about the reports and to discuss implementation strategies and priorities.

The Charge

The Implementation Teams will give input and feedback to the Title IX coordinator and DHR administrator as they design and plan steps to implement Cozen O'Connor's recommendations to ensure that the recommended action steps are appropriately informed by the perspectives of campus community stakeholders. After the president approves the action steps, the Implementation Team will work to ensure that implementation is consistent with agreed-upon timelines, the goals of the assessment and campus culture.

The Implementation Teams will also help develop a formal communications plan designed to keep each university community apprised of the implementation process and status. Implementation Team members shall review communications to ensure that they are clear, accessible and that they address the needs of community stakeholders. Strategic and effective communication is paramount, especially in light of the institutional mistrust expressed to Cozen O'Connor by many members of our university communities. The frequency and methods of communications to the university community should be thoughtfully planned, and the substance of the communications themselves should be accessible and easily comprehensible by a wide audience.

Core Values

The Implementation Team will be guided in its work by the following core values, as well as commitments to:

- Support and elevate the work and authority of campus Title IX and DHR programs. This includes a recognition and acceptance:
 - that there are some aspects of Title IX and DHR work established by law and regulatory agencies that this team (and the CSU at large) must honor.
 - of each member's subject matter expertise or experience, and how that strength can serve the team.
 - that the team will not interfere with the responsibilities and duties of the Title IX coordinator and DHR administrator.

- Provide a safe, inclusive and non-discriminatory educational, working and residential environment for the students, faculty, staff and other members of the university community.
- Work in compliance with state, federal and other regulatory guidance and laws.
- Prioritize accessibility and inclusion, to allow for a diversity of opinion to be heard and considered, in order to:
 - ensure inclusion of historically marginalized voices, commit to ensuring the elevation of all voices within the Implementation Team.
 - recognize the diverse needs and perspectives of different campus constituents.
- Share responsibility for supporting the university's Title IX and DHR education, training and prevention programming.
- Move forward with a solutions focus to effect change, informed by past challenges and lessons learned.

Initial Tasks

The following are initial tasks for the Implementation Team:

- Develop a communications plan designed to keep the campus community apprised of the implementation process and status.
 - Review communications to ensure that they are clear, accessible and address the needs of community stakeholders.
 - Provide, in community-wide communications and through the Implementation Team's website, a minimum of two updates each academic term (near the beginning and end of each term) on the status and progress of implementation. Status updates should include any changes to timelines and action steps.
- Work with campus communications professionals to develop an Implementation Team website that is periodically promoted to the campus community and that contains key documents related to the Cozen O'Connor assessment and the university's implementation work (including the name and contact information for each Implementation Team member). The website should also contain all status reports sent to the Chancellor's Office and the president, as well as community updates about the status of the implementation work.

- Identify specific strategies for building trust and transparency in the team's work.
- Identify the overarching goals discussed in Cozen O'Connor's campus report and list the corresponding recommendations in order of priority. Develop a calendar for action items and communications.
- Identify goals that can be achieved and steps taken promptly at your university without the need for significant additional funding. Develop a calendar for action items and communications with proposed timeline.
- Support the Implementation Team chair in preparing, reviewing or revising/updating proposed budgets throughout the course of the implementation work. (Note that Implementation Teams are not expected to identify fiscal resources to implement recommended action steps.)
- Utilizing the expertise and experience of each member of the Implementation Team, review the proposed implementation action steps to determine what, if any, additional resources and stakeholder collaboration are recommended.
- Develop a proposed implementation plan for the president's approval. Throughout the course of the implementation process, submit any proposed revisions to the plan to the president for approval.
- Monitor implementation of approved action steps and report on the status of the Implementation Team's work as requested by the CO Team and the president. Post status reports on the Implementation Team's website.