



Sexual Harassment and Sexual Violence

California Universities Must Better Protect Students by Doing More to Prevent, Respond to, and Resolve Incidents

Report 2013-124

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June 24, 2014

2013-124

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning sexual harassment and sexual violence at certain California universities. Sexual harassment and sexual violence against university students is an issue of critical importance and prohibited by law. Our audit focused on four universities: the University of California, Berkeley; the University of California, Los Angeles; California State University, Chico; and San Diego State University.

This report concludes that the universities do not ensure that all faculty and staff are sufficiently trained on responding to and reporting student incidents of sexual harassment and sexual violence. Although staff involved in key roles of the incident-reporting process receive adequate training, certain other employees who are likely to be the first point of contact, such as resident advisors and athletic coaches, do not. By not ensuring that employees are sufficiently trained on responding to and reporting incidents of sexual harassment and sexual violence, the universities risk having their employees mishandle student reports of the incidents. In addition, the universities must do more to appropriately educate students on sexual harassment and sexual violence. The universities should ensure that incoming students receive this education near the time that they arrive on campus, as they may be the most vulnerable to experiencing an incident of sexual harassment or sexual violence in their first weeks on campus. The universities should also provide periodic refresher training, at least annually, to all continuing students. Further, universities should ensure that the content of the education on sexual violence covers all topics outlined in statute.

None of the four universities consistently complied with requirements in state law for distribution of policies to inform students and university employees of how to appropriately respond to and handle incidents of sexual violence and sexual harassment. Further, the universities did not post their policies in certain prominent locations on campus where they might be seen by large numbers of students, such as residence halls and other university housing and athletic facilities. Although state law does not specifically require posting the policies in these key locations, they could serve as critical places to inform and remind students of the policies.

Each university we reviewed has an adequate overall process for responding to incidents of sexual harassment and sexual violence; however, the universities need to improve these processes in some key areas. The universities should do more to demonstrate that students who may have experienced sexual harassment or sexual violence are informed of their reporting options and what to expect regarding the universities' subsequent actions. The universities also need to better inform students who file a complaint of the status of the investigation and the eventual outcome. Finally, the universities need to evaluate summary data related to incidents of sexual harassment and sexual violence. Evaluation of these data would allow the universities to identify trends, which could then inform their outreach and protection efforts.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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Summary

Results in Brief

Sexual harassment and sexual violence against university students is an issue of critical importance. In May 2014 the U.S. Department of Education published a list of 55 universities, including the University of California, Berkeley (UC Berkeley), that it is investigating for their handling of sexual violence complaints. Further, according to a report prepared in 2007 for the National Institute of Justice, one in five women is sexually assaulted while in college. The federal government recognizes that sexual harassment of students, which includes sexual violence, interferes with students' rights to receive an education free from discrimination and, in the case of sexual violence, is a crime. Sexual harassment and sexual violence are forms of discrimination prohibited by Title IX of the Education Amendments of 1972 (Title IX). The issue of sexual violence was highlighted in January 2014 when the president of the United States announced the creation of a White House task force to develop a coordinated federal response to campus rape and sexual assault. The task force issued its initial report in April 2014.

The universities we reviewed—UC Berkeley; University of California, Los Angeles (UCLA); California State University, Chico (Chico State); and San Diego State University (San Diego State)—do not ensure that all faculty and staff are sufficiently trained on responding to and reporting student incidents of sexual harassment and sexual violence to appropriate officials. In addition, although the Title IX coordinators and staff involved in key roles of the incident-reporting process receive adequate training, certain other university employees who are likely to be the first point of contact, such as resident advisors and athletic coaches, are not sufficiently trained on responding to and reporting these incidents. By not ensuring that all university employees are adequately and routinely trained on responding to and reporting incidents of sexual harassment and sexual violence, and by not providing practical information on how to identify incidents, universities risk having their employees mishandle student reports of the incidents. Further, when they are not sufficiently trained, employees may not know how to interact appropriately with students in these situations and may do something that would discourage students from engaging in the reporting process.

In addition, the universities must do more to appropriately educate students on sexual harassment and sexual violence. State law requires universities within the California State University (CSU) system and requests those within the University of California (UC) system to provide educational and preventive information about sexual violence to all incoming students as part of established campus orientations, although it does not specify exactly when

Audit Highlights . . .

Our audit of the handling of sexual harassment and sexual violence incidents at four California universities highlighted the following:

- » *The universities do not ensure that all faculty and staff are sufficiently trained on responding to and reporting these incidents to appropriate officials.*
- » *Certain university employees who are likely to be the first point of contact are not sufficiently trained on responding to and reporting these incidents.*
- » *The universities must do more to properly educate students on sexual harassment and sexual violence.*
 - *Provide education to incoming students near the time they arrive on campus.*
 - *Provide all continuing students periodic refresher training at least annually.*
 - *Review and modify educational programs to comply with changes in laws and guidance.*
- » *The universities did not always comply with requirements in state law for distribution of relevant policies.*
- » *Thirty-five percent of the students who participated in a survey we conducted stated that they had experienced such incidents by another member of the campus community.*
- » *Twenty-two percent of the students who participated in our survey were not aware of resources available on campus should they or someone they know experience such incidents.*
- » *The universities need to better inform students who file a complaint of the status of the investigation and notify them of the eventual outcome.*

new student orientations must occur. We believe that the universities should provide this education to incoming students near the time that they arrive on campus, as they may be the most vulnerable to experiencing an incident of sexual harassment or sexual violence in their first weeks on campus. Additionally, universities should ensure that all continuing students receive periodic refresher training, at least annually, on this subject. We also noted that the content of the education did not always cover the topics outlined in statute. Further, the universities must review and modify as needed their incoming student and employee educational programs because of recent changes to federal law and federal guidance.

The four universities did not always comply with requirements in state law for distribution of relevant policies. The distribution of these policies is important to inform students and university employees of how to appropriately handle and respond to incidents. In addition, the universities did not post their policies in certain places on campus where they might be seen by large numbers of students. To ensure that students are informed and reminded of the policies, it is important for the universities to prominently post them in locations frequented by students. Further, it is important that the Legislature amend state law to require universities to provide such information in certain prominent locations that are not currently specified in law, such as residence halls and other university housing and athletic facilities.

Our review determined that all four universities maintain adequate information at each department involved in the reporting process in the form of brochures and flyers describing the resources available to students who have experienced an incident of sexual harassment or sexual violence, in addition to resources listed online. However, 46 of the 208 students who participated in a survey we conducted, or 22 percent, stated that they were not aware of resources available on campus should they or someone they know experience sexual harassment or sexual violence, indicating that the brochures and flyers, by themselves, may not always be effective in informing students of available resources. The survey also revealed that from 2009 through early March 2014, 73 of the 208 students, or 35 percent, reported experiencing 85 incidents of sexual harassment or sexual violence by another member of the campus community. The students reported that they did not file a Title IX complaint for 74, or 87 percent, of the 85 incidents.

Each university we reviewed has an adequate overall process for responding to incidents of sexual harassment and sexual violence. However, our review of 80 case files at the four universities revealed that the universities need to improve these processes in some key areas. Specifically, the universities should do more to demonstrate that a student who may have experienced sexual harassment or sexual violence is informed of his or her reporting options and what to expect

regarding the university's subsequent actions. The universities then need to better inform students who file a complaint of the status of the investigation and to notify them of the eventual outcome.

Additionally, the universities need to evaluate summary data related to incidents of sexual harassment and sexual violence. Evaluation of these data would allow them to identify trends, such as the timing and location of incidents, that could then inform their outreach and protection efforts. The four universities have created or are in the process of creating multidisciplinary committees, which is recognized as a best practice, to address sexual harassment and sexual violence prevention. These multidisciplinary committees can evaluate data on the number and types of incidents of sexual harassment and sexual violence and aid in the discussion of potential solutions.

Recommendations

We recommend that the Legislature take the following actions:

- Amend state law to require universities to educate all university employees annually, consistent with their role, on their obligations in responding to and reporting incidents of sexual harassment and sexual violence involving students.
- Amend state law to expressly require that incoming students be provided education on sexual harassment and sexual violence as close as possible to when they arrive on campus but no later than the first few weeks of their first semester or quarter.
- Amend state law to require universities to provide information on their sexual harassment policies in additional prominent locations frequented by students, such as residence halls and other university housing and athletic facilities.

To help ensure that university faculty and staff do not mishandle student reports of incidents, all faculty and staff should receive training annually, consistent with their role, on their obligations in responding to and reporting incidents of sexual harassment and sexual violence. Additionally, the universities should provide supplemental training to certain staff who are likely to be the first point of contact, such as resident advisors and athletic coaches.

All universities should provide their education on sexual harassment and sexual violence to incoming students as close as possible to when they arrive on campus, but no later than the first few weeks of their first semester or quarter. Also, universities should provide periodic refresher training, at least annually, to all students. Universities should ensure that the content of the education on sexual violence provided to students covers the topics outlined in statute.

All universities should review and modify as needed their educational programs for incoming students and employees because of recent changes to federal law and federal guidance.

All universities should provide the appropriate distribution and posting of their policy on sexual harassment.

All universities should create and use a document to share with students that explains what students should expect from the complaint process.

All universities should provide regular updates on the status of their investigations to students filing or responding to complaints. Additionally, the universities should notify the students of the resolution of the complaints. To demonstrate that they took these actions, the universities should maintain appropriate records.

To identify ways to better serve their students, all universities should create a summary of student incidents of sexual harassment and sexual violence reported to the various departments on campus. Each university should evaluate its summary data to identify trends specific to demographics, as well as the timing, location, and frequency of incidents, to better inform its outreach and protection efforts.

Finally, UC's Office of the President and CSU's Office of the Chancellor should direct all of the universities within their respective systems to comply with the recommendations in this audit report, and they should subsequently determine whether the universities have implemented the recommendations.

Agency Comments

CSU's Office of the Chancellor, Chico State, and San Diego State agree with the recommendations directed to them and outlined actions they plan to take for each recommendation. UC's Office of the President indicates that it will be working with all of the UC campuses to review and respond to the recommendations. UC Berkeley indicates that it agrees with the importance of certain areas discussed in the report and states that review, evaluation, and response to the specific recommendations in the report will be coordinated at the UC systemwide level. UCLA states that it understands the importance of appropriate communication and training and will seriously consider our recommendations as it reevaluates and updates its materials and procedures. We look forward to hearing more about the specific actions that the Office of the President, UC Berkeley, and UCLA plan to take to address our recommendations in their 60-day status reports.

Introduction

Recent Increased Attention Aimed at Sexual Harassment and Sexual Violence on University Campuses

Sexual harassment and sexual violence against university students is an issue of critical importance. In May 2014 the U.S. Department of Education (U.S. DOE) published a list of 55 universities, including the University of California, Berkeley (UC Berkeley), that it is investigating for their handling of sexual violence complaints. According to a report published in 2007 prepared for the National Institute of Justice, one in five women is sexually assaulted while in college. The federal government recognizes that sexual harassment of students, including sexual violence, interferes with students' rights to receive an education free from discrimination and, in the case of sexual violence, is a crime.

For example, UC Berkeley students in particular have raised concerns regarding the university's handling of complaints involving sexual violence and sexual harassment. In April 2013 the Associated Students of the University of California approved a "bill of no confidence" in UC Berkeley's disciplinary policies and procedures related to sexual assault. The students expressed concerns regarding a lack of transparency in the process for handling complaints filed under Title IX of the Education Amendments of 1972 (Title IX) and procedural inequities between the process for the respondent and that for the complainant, among others. In addition, according to news reports, in May 2013 nine students from UC Berkeley officially filed a complaint with the U.S. DOE alleging violations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Further, news reports indicated that in late February 2014, 31 current and former UC Berkeley students filed complaints with the Office for Civil Rights (OCR) of the U.S. DOE alleging that the university had mishandled sexual assault cases on campus. According to these same news reports, students stated that they were prompted to file a Title IX complaint with the OCR because they had not heard back about the Clery Act complaint they submitted.

The issue of sexual violence was once again highlighted when on January 22, 2014, the president of the United States issued a memorandum titled "Establishing a White House Task Force to Protect Students From Sexual Assault" (task force). Within this memorandum, the president directed the Office of the Vice President and the White House Council on Women and Girls to lead an interagency effort to address campus rape and sexual assault, including coordinating federal enforcement efforts by executive departments and agencies and helping institutions meet their obligations under federal law. The mission and function of

this task force is to work with agencies to develop a coordinated federal response, in an advisory capacity, to campus rape and sexual assault. The task force was required to develop and submit proposals and recommendations to the president within 90 days of the date of the memorandum. It was also required to report to the president on implementation efforts within a year of the memorandum and yearly thereafter.

In its April 2014 report, the task force identified the first set of action steps and recommendations to strengthen federal enforcement efforts and provide schools with additional tools to help combat sexual assault on their campuses. Specifically, the task force report states that schools need to identify the scope of the problem on college campuses through campus climate surveys, prevent campus sexual assault by providing sexual assault prevention and awareness programs, and respond effectively when a student is sexually assaulted, in part by having victim advocates who can provide assistance to students while maintaining confidentiality, as well as other measures. The task force report also states the need to improve and make more transparent the federal government's enforcement efforts.

Title IX

Title IX generally provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. Sexual harassment, including acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.¹ The U.S. DOE's OCR has made it clear that if a school knows or should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.

The OCR is responsible for enforcing Title IX and other laws that prohibit discrimination in educational programs or activities that receive federal financial assistance. It provides authoritative guidance to schools, including universities, on how to comply with civil rights laws, including Title IX, through various publications. The most recently published Dear Colleague Letter relating

¹ Although the OCR defines sexual harassment as including sexual violence, for purposes of clarity we use the term *sexual harassment and sexual violence* throughout the report. When laws or other matters we discuss pertain only to sexual assault, a type of sexual violence, we use the term *sexual assault* instead.

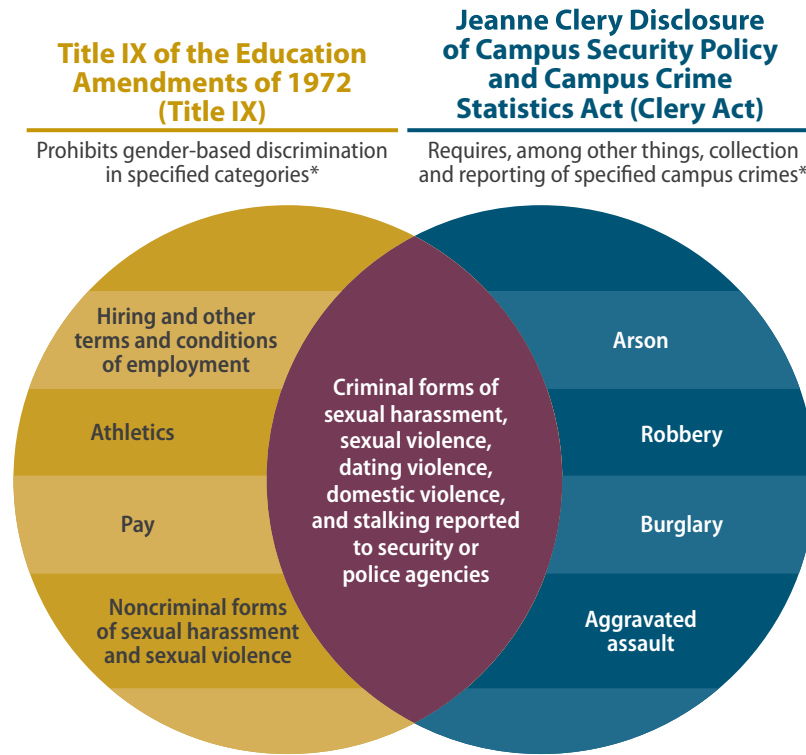
to Title IX compliance, dated April 2011 (2011 DCL), contains guidance that specifically relates to the issue of sexual harassment and sexual violence, discusses proactive actions schools can take to prevent sexual harassment and sexual violence and educate employees and students, and provides examples of the types of remedies, such as prevention measures and discipline, universities may use to respond to sexual harassment and sexual violence. The 2011 DCL supplements the previous guidance that the OCR issued in 2001. The OCR issued the 2011 DCL to explain that the requirements of Title IX cover sexual violence and to remind schools of their responsibility to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX. The 2011 DCL did not add requirements to applicable law but instead provides information and examples to inform recipients of federal assistance about how the OCR evaluates whether entities are complying with their legal obligations. Subsequently, the OCR determined that schools would benefit from additional guidance concerning their obligation under Title IX to address sexual violence as a form of sexual harassment and issued a “questions and answers” document in April 2014, in conjunction with the release of the task force report.

The Clery Act

Eligible postsecondary educational institutions that participate in federal financial aid programs must also comply with the Clery Act. Among other provisions, the Clery Act requires campuses to publicly report specific campus crimes and security policies in an annual security report. Information contained in these reports is intended to provide students and their families with accurate, complete, and timely information about safety on campus so they can make informed decisions. In addition, the Clery Act requires universities to identify individuals or organizations, known as campus security authorities, to whom students and employees should report criminal activities. Campus security authorities are generally defined as officials with significant responsibility for student and campus activities, campus police or security departments, individuals who have a responsibility for campus security, and those designated by campus security policies. As shown in Figure 1 on the following page, provisions of Title IX and the Clery Act converge in instances of reporting criminal forms of sexual harassment and sexual violence at universities.²

² The California State Auditor (state auditor) is statutorily required to perform an audit of no fewer than six California postsecondary educational institutions that receive federal aid every three years. State law requires the state auditor to determine the institutions' compliance with the requirements of the Clery Act by evaluating the accuracy of the crime statistics they report and the effectiveness of the procedures they use to identify, gather, and disseminate these data. The most recent of these reports was issued in October 2012.

Figure 1
Confluence of Federal Requirements



Sources: Title IX, Clery Act, and Title 34, Part 106, of the Code of Federal Regulations.

* Only a selection of categories covered under Title IX and the Clery Act are shown; these laws encompass more categories of unlawful discrimination and crimes than those displayed.

The passage of the Violence Against Women Reauthorization Act of 2013 (Reauthorization Act) amended the Clery Act to include additional crimes and conduct campuses must track and report and to include specific policy statements that campuses must develop and distribute in their annual security reports. Under these Reauthorization Act provisions, which took effect on March 7, 2014, campuses' annual reports must include policy statements regarding their programs to promote awareness of and prevent domestic violence, dating violence, sexual assault, and stalking and the procedures the institutions will follow if such conduct occurs. Existing law already required policy statements regarding programs related to rape and acquaintance rape.

State Law

California law further implements the goals of Title IX and the Clery Act by requiring postsecondary educational institutions to take certain specific actions. For example, under state law postsecondary educational institutions are required to have a written policy on

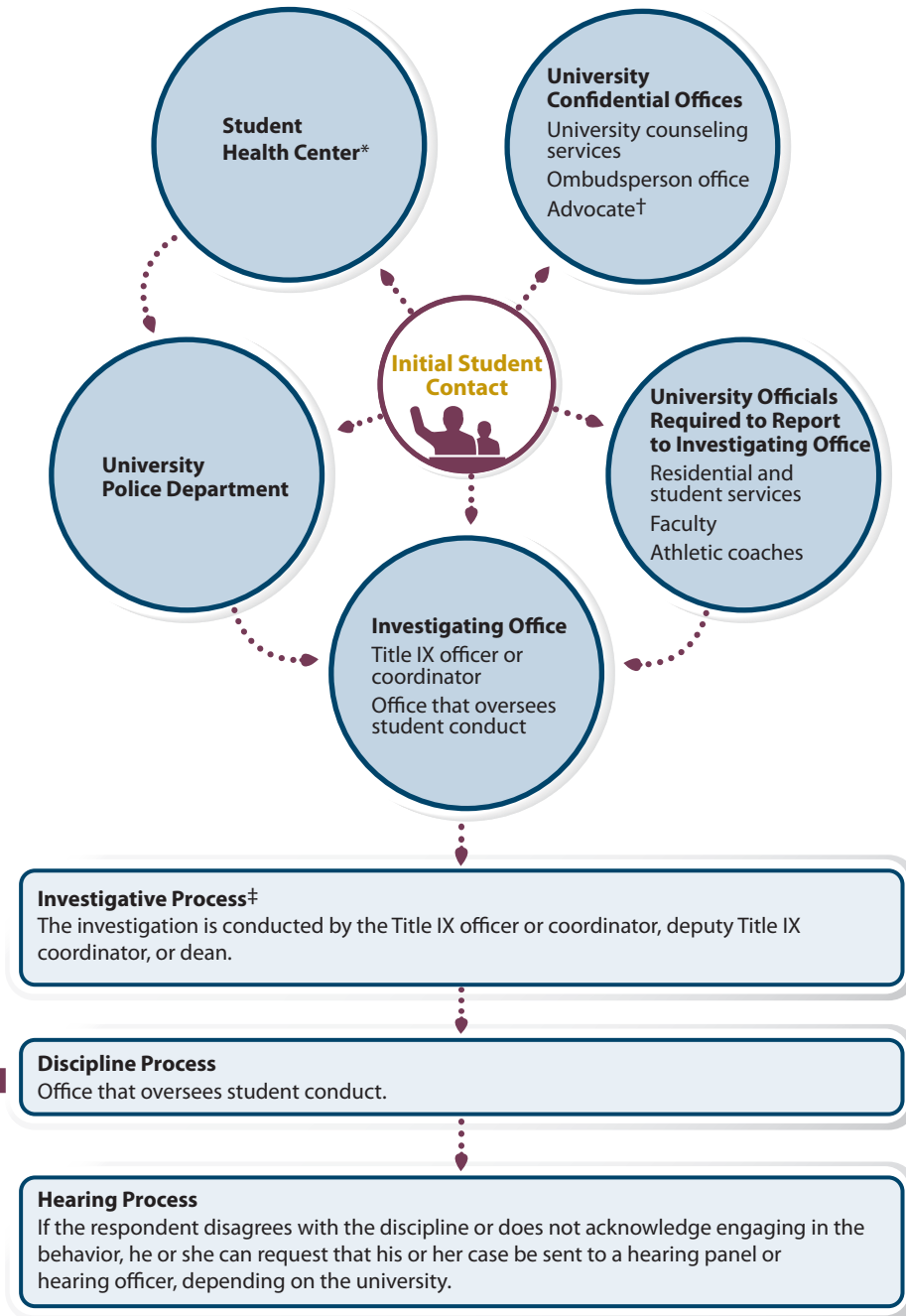
sexual harassment that includes information on where to obtain the specific rules and procedures for reporting incidents of sexual harassment and for pursuing available remedies. However, because under the California Constitution the University of California (UC) is administered by the Regents of the UC, with full powers of organization and government, and is subject to limited legislative control, in some instances state law requests, rather than requires, UC to take certain actions. For example, under state law the California State University (CSU) is required to provide educational and preventive information about sexual violence to students as part of established campus orientations. In contrast, UC is requested to do so. In another example, state law requires universities within the CSU system to adopt and implement procedures to ensure that students, staff, and faculty who are victims of campus sexual assault receive treatment and information on, among other things, the procedures for notifying campus personnel about the incident. Because of a provision of state law enacted in 1991, this law, like others, does not apply to universities within the UC system unless the Regents adopt a resolution making that law applicable.

University Departments Involved in Receiving, Responding to, and Resolving Student Incidents of Sexual Harassment and Sexual Violence

Each university we reviewed has a process in place for receiving, responding to, and resolving incidents of sexual harassment and sexual violence, and various university offices may receive student complaints regarding such incidents. For example, San Diego State University (San Diego State) has the Center for Student Rights and Responsibilities, and the University of California, Los Angeles (UCLA) has the Office of the Dean of Students. Although the names of the two offices differ, they both essentially serve as the offices that oversee student conduct. (See Figure 2 on the following page for a general overview of the reporting process.)

However, federal regulations require each university to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including the investigation of any actions prohibited under Title IX. We found differences among the universities with regard to how the Title IX officer carried out the function of the coordinator role. For example, at UC Berkeley, the Title IX officer makes the decision as to whether the conduct described within a complaint constitutes a violation of the university's policy on sexual harassment. Under UC Berkeley's procedures, findings of violation of policy on sexual harassment are handled using separate disciplinary processes, which vary depending on whether the individual who perpetrated the harassment is a student or a member of the faculty or staff. California State

Figure 2
General Process for Receiving, Reporting, and Resolving Complaints Involving Student-on-Student Sexual Harassment and Sexual Violence



Sources: Interviews with university officials and related documents.

* The student health center medical staff are required by law to report incidents of sexual violence to the university police department. The student health center may provide information on resources to students who have experienced an incident of sexual violence.

† The University of California, Berkeley, is in the process of creating an advocate position, which will be a confidential resource. There is no advocate position at San Diego State University.

‡ The universities use informal and formal processes to investigate and resolve cases.

University, Chico (Chico State) and San Diego State use designated deputy Title IX coordinators who are housed within the offices that oversee student conduct and other offices to conduct investigations and determine whether the university policy on sexual harassment was violated and recommend discipline to the Title IX coordinator. At UCLA the Title IX officer, who is responsible for coordinating all Title IX compliance, reviews and resolves complaints against faculty and may consult on staff and student complaints. However, complaints against students are reviewed by the Office of the Dean of Students, which determines whether there is enough evidence that the university policy on sexual harassment may have been violated and forwards the case to a committee if a student denies the charges. The committee then makes the determination as to whether university policy has been violated and, if appropriate, recommends discipline. Further, OCR guidance allows a complaint involving sexual harassment or sexual violence to be addressed through either a formal or informal process.³ We discuss these processes in Chapter 2.

According to university policy, certain individuals have a responsibility to inform the Title IX coordinator when they are made aware of an incident of sexual harassment or sexual violence. Health practitioners on campus are required by the California Penal Code to provide immediate notification to law enforcement when they know or reasonably suspect that a patient is suffering from an injury stemming from, among other things, assault or abuse. However, professional counselors are prohibited from reporting instances of assault or abuse because the law requires that they maintain the confidentiality of issues brought to their attention in a professional context. In addition, under university practice the ombudspersons are confidential reporters on campus and therefore do not have a duty to report instances of assault or abuse.⁴

Scope and Methodology

The Joint Legislative Audit Committee (audit committee) directed the state auditor to review the handling of sexual harassment and sexual violence incidents at certain California universities. Table 1 beginning on the following page lists the objectives that the audit committee approved and the methods used to address those objectives. Our fieldwork included work at two CSU campuses and two UC campuses. In addition, we asked students at the four universities to participate in a survey regarding their perspective on their university's process for handling incidents involving sexual harassment and sexual violence.

³ According to the 2011 DCL, mediation, one type of informal process specifically discussed in the 2011 DCL, is not appropriate in cases involving allegations of sexual assault.

⁴ According to its Title IX coordinator, Chico State does not have an ombudsperson for students.

Table 1
Scope and Methodology

AUDIT OBJECTIVE	METHOD
1 Review and evaluate the laws, rules, and regulations significant to the audit objectives.	Reviewed relevant laws, regulations, and other background materials.
2 For the period of 2009 through 2013, determine whether the University of California, Berkeley, one additional University of California campus, and two California State University campuses (universities) have policies and procedures consistent with existing federal and state laws and regulations, as well as best practices regarding the following:	<ul style="list-style-type: none"> • Based on geographical location, the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) sex offense statistics, and student population, we selected three additional universities for review: California State University, Chico; San Diego State University; and University of California, Los Angeles. • Reviewed each university's policies and procedures to ensure that they are consistent with existing federal and state laws and regulations, as well as best practices.
a. Educating students on how to be aware of, and prevent, sexual harassment and violence on and around campus, and making students aware of available campus resources regarding sexual harassment and sexual violence.	<ul style="list-style-type: none"> • Interviewed relevant university staff to determine the roles and responsibilities of various university departments, programs, and staff involved in the education of students on prevention and awareness of sexual harassment and sexual violence. • Reviewed educational materials for students regarding sexual harassment and sexual violence. • Determined whether the universities adequately distribute and post policies and notices regarding sexual harassment and sexual violence as required. • Determined whether each university's methods for educating students on sexual harassment and sexual violence, as well as those for making students aware of the available campus resources regarding sexual harassment and sexual violence, are consistent with relevant laws, regulations, and best practices.
b. Educating campus officials about appropriate actions for preventing sexual harassment and sexual violence on and around campus as well as their legal responsibilities for preventing and responding to such actions.	<ul style="list-style-type: none"> • Interviewed relevant personnel to determine who has the responsibility of educating campus officials on sexual harassment and sexual violence at each university. • Reviewed training materials for campus officials regarding sexual harassment and sexual violence. • Determined whether each university's methods for educating campus officials on preventing incidents of sexual harassment and sexual violence as well as their legal responsibilities for responding to such actions are consistent with relevant laws, regulations, and best practices.
c. Receiving, investigating, and resolving complaints of sexual harassment or sexual violence, including evaluating the following: i. Whether students are encouraged to file complaints of alleged sexual harassment or sexual violence and are adequately informed regarding their ability to file such complaints.	<ul style="list-style-type: none"> • Assessed the university's student educational materials regarding the filing of complaints. • Examined complaint files and related documentation of staff interviews to determine whether these documents provide any evidence of university staff dissuading students from filing a complaint. • Distributed a survey to interested students at each of the universities to determine whether students are encouraged to file complaints of alleged sexual harassment or sexual violence, as well as to gain perspective from students on the adequacy with which their respective university satisfies other objectives. We worked with the universities to send an e-mail to their students regarding the opportunity to participate in our survey. We then provided a survey to those students who requested one. The 208 completed surveys we received cannot be considered as representative of the total student population at the universities. However, we believe they provide important perspective from those students who chose to participate that we would not otherwise have obtained. We present the survey results in the Appendix.
ii Whether the university has an effective mechanism for responding to complaints, as required by law and best practices.	<ul style="list-style-type: none"> • Interviewed relevant university staff to determine the university's process for responding to complaints of sexual harassment or sexual violence. • For the period of 2009 through 2013, selected 20 sexual harassment and sexual violence complaints from each university and determined whether the university followed its policies and procedures for responding to these complaints, as well as applicable law and guidance.

AUDIT OBJECTIVE	METHOD
iii. Whether the university has appropriate practices for protecting individuals who file a complaint from being subjected to retaliation.	Interviewed relevant university staff and determined whether each university has a policy in place that prohibits retaliation. Reviewed complaint files to determine if complainants were made aware of the university policy on retaliation.
iv. Whether the university uses appropriate methods to investigate complaints, including whether those methods are consistent with law and best practices.	<ul style="list-style-type: none"> • Interviewed relevant university staff and examined written policies and procedures to determine each university's process for investigating complaints of sexual harassment and violence. Identified the role of various university officials and staff in processing and investigating complaints. • Used the selection of 20 complaints from each university and determined whether the university followed its established procedures for investigating, including the time it took to complete an investigation. Determined whether methods used, such as keeping the relevant parties informed of the status and outcome of the case, were consistent with applicable requirements and guidance.
v. Whether complaints are resolved in a manner consistent with applicable law and whether disciplinary or other action is a part of that resolution.	Used the selection of 20 complaints from each university and determined whether the complaints were resolved in a manner consistent with applicable law and determined the disciplinary actions taken.
d. Compare the actions taken by the selected universities in response to a selection of allegations of sexual harassment or violence to determine whether the actions taken were consistent across the selected universities, based on similar types of allegations and factual circumstances.	Used the selection of 20 complaints from each university and determined, to the extent possible, whether the actions were consistent among the four universities based on similar types of allegations and factual circumstances.
e. Determine the number of sexual harassment or sexual violence allegations made by students at the selected universities, including the number of allegations that were investigated and resolved by university personnel and the number referred to law enforcement. Further, determine, to the extent possible, how many formal investigations were conducted in comparison with issues addressed through an informal resolution process.	<ul style="list-style-type: none"> • Interviewed personnel responsible for entering and maintaining the data with regard to complaints of sexual harassment and sexual violence. • Identified the number of sexual harassment and sexual violence complaints made by students at each of the universities, including the number of allegations that were investigated and resolved by university personnel and the number received by school law enforcement from 2009 through 2013. • To the extent possible, identified the number of sexual harassment and sexual violence complaints that were resolved informally and the number that were resolved through a formal investigation.
f. Determine whether the selected universities adequately monitor and evaluate the effectiveness of their policies and practices for receiving, investigating, and resolving complaints of sexual harassment and sexual violence.	<ul style="list-style-type: none"> • Interviewed officials at each university to determine if they have a monitoring process and what types of communication occur among departments involved in the handling of sexual harassment and sexual violence incidents. • Determined the extent to which monitoring is occurring systemwide.

AUDIT OBJECTIVE	METHOD
<p>3 Based on the selection of universities in objective 2, determine whether the university has an effective process for tracking and monitoring the receipt, investigation, and resolution of complaints and for reporting complaints received and the results of investigations, consistent with the Clery Act and other applicable law.</p>	<ul style="list-style-type: none"> • Interviewed officials at each university to determine how staff and management track the receipt and progress of complaints involving sexual harassment and sexual violence. • Evaluated how the campus is monitoring and making efforts to reduce the length of time to investigate and resolve complaints. • Determined how reports are submitted to the university police department for Clery Act reporting.
<p>4 For the period 2009 through 2013, review and assess the selected universities to determine whether they have sufficient training and resources to appropriately respond to complaints of sexual harassment and sexual violence, including evaluating the following:</p>	
<p>a. Whether university personnel and faculty are appropriately informed and trained regarding their responsibilities with respect to preventing and responding to complaints of sexual harassment or sexual violence.</p>	<p>Evaluated the effectiveness of the training discussed in objective 2(b).</p>
<p>b. Whether the universities have appropriate and sufficient resources, including trained personnel, to assist individuals who may have been victims of sexual harassment or sexual violence.</p>	<ul style="list-style-type: none"> • Interviewed relevant personnel and identified campus resources for assisting individuals who have experienced an incident of sexual harassment or violence. • Determined if the types of resources provided were sufficient according to relevant laws, guidance, and best practices.
<p>c. Whether online or other campus resources for reporting allegations of sexual harassment or sexual violence, providing counseling services, and investigating allegations are adequate.</p>	<ul style="list-style-type: none"> • Identified online resources for reporting allegations and providing counseling services. • Identified online information on the investigating office and investigative process at each university. • Campus resources such as counseling and medical staff were reviewed in objective 4(b).
<p>d. Whether the university has received complaints from victims of sexual harassment and sexual violence regarding the process for reporting, investigating, and resolving a complaint, and if so, how such complaints have been resolved.</p>	<ul style="list-style-type: none"> • Interviewed university officials and evaluated whether each of the universities has a mechanism in place for handling complaints about the process for reporting, investigating, and resolving alleged incidents of sexual harassment and sexual violence. • Our review found that universities have a mechanism in place for handling complaints about the process. However, according to officials at three universities, no complaints about the process for reporting, investigating, and resolving an alleged incident of sexual harassment or sexual violence were filed through available complaint mechanisms from 2009 through 2013. An official at the remaining university stated that one complaint was received through its whistleblower hotline, but the complaint was not substantiated.
<p>5 Review and assess any other issues that are significant to the universities as they related to incidents of sexual harassment and sexual violence.</p>	<p>We did not observe any other issues outside the scope of the other audit objectives.</p>

Sources: California State Auditor's analysis of Joint Legislative Audit Committee audit request 2013-124, planning documents, and analysis of information and documentation identified in the column titled *Method*.

Chapter 1

THE UNIVERSITIES' EFFORTS TO TRAIN AND INFORM FACULTY, STAFF, AND STUDENTS ON HOW TO HANDLE STUDENT INCIDENTS OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE ARE LIMITED

Chapter Summary

The four universities we reviewed do not ensure that all faculty and staff are sufficiently trained on responding to and reporting student incidents of sexual harassment and sexual violence to appropriate university officials. By not ensuring that all university employees are adequately and routinely trained on responding to and reporting these incidents, and by not providing practical information on how to identify incidents, universities risk having their employees mishandle student reports of incidents of sexual harassment and sexual violence. Further, although staff in key roles of the incident-reporting process receive adequate training, certain other university employees who are likely to be the first point of contact do not receive sufficient training.

In addition, the universities must do more to appropriately educate students on sexual harassment and sexual violence. Specifically, universities should ensure that incoming students receive this education as close as possible to when they first arrive on campus, as well as provide refresher training to all continuing students at the university on a periodic basis. Further, providing supplemental education to certain student groups, such as student athletes and fraternities and sororities, is important, as it can communicate information that is focused on situations that these groups may encounter. We also noted various ways in which the content of the education could be improved. For instance, we noted that the educational content provided to students at San Diego State University (San Diego State) is particularly lacking.

Finally, some universities did not distribute copies of their written policy on sexual harassment to students at new student orientations, and none of the universities distributed copies to all employees at the beginning of each academic year, as required by state law. State law does not specifically require posting the written policy on sexual harassment in residence halls; however, we believe these are key locations because new students commonly reside in the residence halls. Our observation of certain residence halls and discussions with university administrators indicated that the universities were not posting their respective sexual harassment policy in the residence halls. Our review did determine that all four universities have adequate information at each department involved

in the reporting process in the form of brochures and flyers on resources available to students who have experienced an incident of sexual harassment or sexual violence, in addition to resources listed online. However, 46 of the 208 students who participated in our survey at the four universities we reviewed, or 22 percent, stated that they were not aware of the resources available on campus should they or someone they know experience sexual harassment or sexual violence.

In Table 2 we summarize the universities' efforts in training and informing their employees and students regarding sexual harassment and sexual violence. We discuss these efforts and our concerns throughout this chapter.

Table 2
Summary of the Universities' Efforts to Train and Inform Employees and Students Regarding Sexual Harassment and Sexual Violence

ACTIVITY	APPLICABLE CRITERIA*	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY	PAGE NUMBER WHERE DISCUSSION BEGINS
Training and Informing Employees						
Were Title IX of the Education Amendments of 1972 (Title IX) coordinators trained?	Required by Office for Civil Rights (OCR)	✓	✓	✓	✓	21
Was the training provided to Title IX coordinators sufficient?	Required by OCR	✓	✓	✓	✓	21
Were employees trained on how to identify and report incidents?	Recommended by OCR	◆	◆	◆	◆	17
Was the training provided to employees on how to identify and report student incidents sufficient?	Auditor judgment	◆	◆	◆	◆	17
Did the university distribute its sexual harassment policy to all employees at the beginning of every academic year?	Required by law	✗	✗	✗	✗	39
Training and Informing Students						
Did the university designate a Title IX coordinator and provide contact information?	Required by law	✓	◆†	✓	✓	17
Did the university provide educational information to students about sexual violence?	Required by law for the California State University (CSU)‡	✓	✓	✓	✓	27
Was the educational information provided to students about sexual violence sufficient?	Auditor judgment	✓	◆	◆	◆	34
Did the university publish relevant policies, such as a notice of nondiscrimination and its policy regarding sexual assault and other information related to sex crimes?	Required by law	✓	✓	✓	✓	39

ACTIVITY	APPLICABLE CRITERIA*	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY	PAGE NUMBER WHERE DISCUSSION BEGINS
Did the university distribute copies of its policy on sexual harassment to students at new student orientations?	Required by law	◆	✓	◆	◆	39

Source: California State Auditor's analysis of information provided by the universities.

✓ = No concerns identified.

◆ = Some concerns identified.

✗ = The university did not perform the stated activity.

* For the purposes of this table, the term *Required by Law* includes items that are required by regulations. *Required by OCR* and *Recommended by OCR* indicate that the federal Office for Civil Rights has provided direction on the matter through the guidance it issued in 2001 and 2011. Whether the activity is classified as *required* or *recommended* depends on the wording used in the guidance.

† Although the University of California, Los Angeles (UCLA) provides contact information for its Title IX coordinator on the sexual harassment portion of its Web site, it does not do so on its notice of nondiscrimination, as guidance from the OCR instructs it to do. Instead, on its notice of nondiscrimination, UCLA provides contact information for its Office of the Dean of Students, which is the office that conducts Title IX investigations involving students. UCLA provided information to us that indicated the Dean of Students was designated as a deputy Title IX coordinator. However, when more than one coordinator is designated, OCR states the notice should describe each coordinator's responsibilities.

‡ State law requires universities within the CSU system and requests those within the University of California system to provide educational and preventive information about sexual violence to all incoming students as part of established campus orientations.

The Universities Do Not Require Sufficient Training for Faculty and Staff on How to Report Complaints

The universities we reviewed do not ensure that all faculty and staff are sufficiently trained on responding to and reporting student incidents of sexual harassment and sexual violence to the appropriate university officials. Federal regulations for Title IX of the Education Amendments of 1972 (Title IX) do not require faculty or staff to be trained on how to report such incidents.⁵ However, the Dear Colleague Letter issued in April 2011 (2011 DCL) from the Office for Civil Rights (OCR) within the U.S. Department of Education, which provides guidance on Title IX requirements, states that universities need to ensure that their employees are trained so that they know how to report sexual harassment and sexual violence to the appropriate school officials and so that employees with authority to address the situation know how to respond properly. It also states that employee training should include practical information about how to identify and report incidents of sexual harassment and sexual violence. Further, the 2011 DCL states that Title IX coordinators must be adequately trained. We discuss training of the Title IX coordinators in the next section.

⁵ Although they do not impose a training requirement, federal Title IX regulations require universities to designate at least one employee to coordinate their respective university's efforts to comply with and carry out their responsibilities under Title IX and to notify all students and employees of the contact information for that employee. The 2011 DCL refers to this employee as the Title IX coordinator.

To ensure that university employees are sufficiently aware of how to appropriately respond to such complaints, the universities must provide them training on how to identify and report incidents of sexual harassment and sexual violence involving students.

The four universities we reviewed provide certain university employees training on sexual harassment every two years. However, the content of this training is not sufficient to ensure that these employees know how to appropriately respond to student complaints of sexual harassment and sexual violence. State law requires employers that have 50 or more employees to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees in California every two years.⁶ This training, sometimes referred to as AB 1825 training, is designed primarily to focus on workplace issues and is not meant to train and inform university employees on how to identify and report incidents of sexual harassment or sexual violence involving students. Training all university employees on how to respond to student complaints of sexual harassment and sexual violence is not currently mandated by law. The universities provided some information that indicated they inform new employees of their responsibility to report student complaints of sexual harassment and sexual violence or include brief remarks regarding their policies at new employee orientations. However, to ensure that university employees are sufficiently aware of how to appropriately respond to such complaints, the universities must provide them training on how to identify and report incidents of sexual harassment and sexual violence involving students.

San Diego State reaches some of its employees by offering voluntary training regarding the university's policy prohibiting discrimination, harassment, and retaliation against employees to all university employees, and by offering a voluntary Title IX training to university managers. The training regarding the university's policy prohibiting discrimination, harassment, and retaliation against employees also briefly informs employees of the university's policy related to students, as well as where to file complaints made against students. The Title IX training offered to university managers specifically addresses student sexual violence and uses real-life scenarios to emphasize the importance of appropriately responding to student complaints of sexual harassment and sexual violence. The training also informs university managers where to find the complaint procedures for students and includes contact information for the university's Title IX coordinator and deputy Title IX coordinators. According to San Diego State's Title IX coordinator, with respect to making this training required for all employees, there are union issues involved with mandating training to represented faculty and staff, and the university would need to obtain union agreement. In addition, the Title IX coordinator stated that implementing an all-employee training requirement would be

⁶ The University of California (UC) has determined that all faculty, as well as managers and senior professionals, must also complete this training requirement, regardless of supervisory responsibilities.

a resource issue for the university. Nevertheless, to better handle student complaints of sexual harassment and sexual violence, it is important for universities to pursue a cost-effective method of providing the necessary training and to take steps to ensure that all faculty and staff participate.

The universities have developed materials to assist university staff and faculty in referring students who have experienced an incident of sexual harassment or sexual violence to the appropriate campus resources and reporting offices. For example, the University of California, Los Angeles (UCLA) has developed a folder for its staff and faculty that addresses how to assist a student who has been sexually assaulted, including options and resources available to these students. Similarly, California State University, Chico (Chico State) has developed an online complaint process guide, which identifies where staff and faculty should report student complaints of sexual harassment or sexual violence, and includes contact information for the reporting office as well as links to the relevant university policies. We believe these are useful tools for reminding university staff and faculty of where to report student complaints. However, we do not believe that these tools are sufficient substitutes for formal training on how to report student complaints of sexual harassment and sexual violence because these materials do not provide guidance on issues such as how to appropriately communicate with a student who has experienced an incident of sexual harassment or sexual violence, nor do they constitute training on practical information about how to identify these incidents.

For example, we reviewed one case from San Diego State in which a faculty advisor failed to report an incident of sexual harassment of a student to the appropriate university officials. Under California State University (CSU) system policy, any person who receives information about a sexual harassment incident must contact the campus employee responsible for implementing and complying with the sexual harassment policy and provide that individual with the student's contact information in order to quickly resolve the concern. However, we found that in this case, after a complainant informed a university lecturer of an incident of sexual harassment that occurred while participating as a member of a university club, the lecturer referred the matter to the club's faculty advisor. The faculty advisor met with the complainant to discuss the incident, and according to the university's Title IX investigation report, the faculty advisor felt no further action or follow-up was necessary because the complainant had left the club and would not have further contact with the respondent. As a result, no Title IX officials at the university were informed of the alleged incident at that time.

We reviewed one case from San Diego State in which a faculty advisor failed to report an incident of sexual harassment of a student to the appropriate university officials.

The universities will need to consider recent federal guidance as they focus on modifying the content of the training they provide their employees.

Approximately one year later, the accused individual sexually harassed the complainant again. The complainant and the complainant's parent visited the faculty advisor and submitted a formal complaint. The information was then forwarded to the appropriate university official, who proceeded with a full investigation of the incidents. However, had the complaint been initially forwarded to the Title IX coordinator, the matter could have been resolved earlier and the complainant may not have been subjected to additional harassment. By not ensuring that all university employees are adequately and routinely trained in how to report incidents of sexual harassment and sexual violence, and by not providing practical information on how to identify incidents, universities risk having their employees mishandle student reports of sexual harassment and sexual violence.

Finally, the universities will need to consider recent federal guidance as they focus on modifying the content of the training they provide their employees. The OCR issued a "question and answer" document in April 2014 (2014 guidance) that clarifies its expectations. The 2014 guidance indicates that a school needs to ensure that employees with the authority to take action know how to respond appropriately, that other employees who have obligations to report incidents to appropriate school officials know their obligations, and that all other employees understand how to respond to reports of incidents of sexual harassment and sexual violence. We believe that training is essential for all employees to understand their role. All employees need to understand how to respond to incidents if confronted with them as well as their reporting obligations, if any.

Further, the 2014 guidance describes specific content that should be included in training provided to employees likely to witness or receive reports of incidents. This includes a wide range of individuals, such as faculty, administrators, health personnel, school law enforcement, athletic coaches, and resident advisors. Among the topics to be provided are practical information about how to prevent and identify sexual violence, including same-sex sexual violence; the attitudes of bystanders that may allow conduct to continue; and appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language. The training also should explain reporting obligations, including what should be included in a report, any consequences for failing to report, and the procedure for responding to students' requests for confidentiality. The 2014 guidance states that the training should be provided on a regular basis.

Additionally, the universities will need to make changes to their new employee orientations because of recent changes to federal law. Changes to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) that took effect in March 2014 require specific content to be included in the educational programs provided to new employees and incoming students. We address these new requirements in our discussion of student education later in the chapter.

Some University Employees Who Are Likely to Be the First Point of Contact Do Not Receive Sufficient Training

We reviewed the training of certain groups of university employees who are likely to witness or receive reports of sexual harassment and sexual violence. Title IX coordinators in particular, because they are responsible for overseeing all Title IX complaints as well as identifying and addressing any patterns or systematic problems that arise during the review of such complaints, must receive training that is more comprehensive. The 2011 DCL states that Title IX coordinators must be adequately trained on what constitutes sexual harassment and sexual violence, and they must understand their university's complaint procedures.⁷ The Title IX coordinators at all the universities we visited received at least annual training during the five-year period we reviewed or, in the case of the CSU, in the two years since the CSU implemented new policies to align the Title IX coordinator's responsibilities to those outlined in the 2011 DCL.

In addition, state law requires universities within the CSU system to adopt and implement a rape and sexual assault educational program within existing resources and ensure maximum feasible participation of student services professional staff members or student affairs professional staff members at each university.⁸ Although none of the four universities provide a specific rape and sexual assault educational program for these employees, staff at all four universities involved in key roles of the incident-reporting process, such as the staff of the offices that oversee student conduct and resource advocates or specialists, receive training through conferences, webinars, and other presentations regarding sexual harassment and sexual violence. Further, staff in support roles, such as counselors and medical practitioners, at the four universities must complete continuing education hours to maintain their

Staff at all four universities involved in key roles of the incident-reporting process receive training regarding sexual harassment and sexual violence.

⁷ Recently, in its 2014 guidance, the OCR expanded on its previous direction regarding training of Title IX coordinators by describing specific content that the training should contain.

⁸ This provision is applicable to universities within the UC system only to the extent that the Regents of the UC elect to make it applicable.

professional licenses. This professional education is supplemented by campus training and other types of instruction on how to handle incidents of sexual harassment and sexual violence.

However, some other university employees who are likely to be the first point of contact do not receive sufficient training. The legislative findings related to the enactment of state law requiring the adoption and implementation of rape and sexual assault educational programs for universities within the CSU system declare the following:

- Resident life student staff should receive acquaintance rape training every semester.
- Universities should provide special sexual assault seminars for all athletic coaches and administrators of athletic teams prior to the first team meeting.
- All university student services professional staff members or student affairs professional staff members and campus police should participate in annual sexual assault education seminars.

Although these legislative findings are not binding, they do provide an indication of the goals the Legislature had in mind when it imposed the requirement for universities within the CSU system to adopt rape and sexual assault educational programs. Moreover, the 2011 DCL recommends that training be provided to any employee likely to witness or receive reports of sexual harassment and sexual violence, including school law enforcement employees and resident advisors and that the training include practical information about how to identify and report such incidents.

Training is important because these employees are likely to be the first point of contact for some students who have experienced an incident of sexual harassment or sexual violence. It is critical that these employees receive training in how to refer students to individuals such as the Title IX coordinator, who can provide further assistance. Additionally, the employees should know how to interact appropriately with students in these situations and avoid doing anything that would discourage students from engaging in the reporting process. For the 29 instances in which students who participated in our survey reported seeking services or assistance from various resources available on campus for an incident they experienced, 14, or 48 percent, stated that they were discouraged from filing a Title IX complaint or received inconsistent messages from different offices or individuals concerning the filing of a Title IX complaint. When students are discouraged from engaging in the reporting process, incidents may not receive prompt and appropriate resolution, potentially compromising the safety of the

campus. Our review focused on the training provided to three types of employees who can be the first point of contact. Table 3 presents the training provided to resident advisors, athletic coaches, and university police department staff.

Table 3
Sexual Harassment and Sexual Violence Training Provided to Certain University Staff From 2009 Through 2013

POSITION	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY
Provided training twice a year?				
Resident advisors	◆*	◆*	◆*	◆*
Provided training annually?				
Athletic coaches	◆†	◆†	◆†	◆†
University police department staff	◆‡	✓	◆§	✓

Sources: California Education Code, Section 67390, and information provided by the four universities.

- ✓ = Entire department staff received annual training on sexual harassment and sexual violence through various means in 2009 through 2013.
- ◆ = Training on sexual harassment and sexual violence was received, but not at the frequency recommended in the legislative findings or to all staff.
- * Resident advisors received annual training on sexual harassment and sexual violence from 2009 through 2013, but they did not receive this training twice a year.
- † All athletic coaches received annual training once during the period 2009 through 2013.
- ‡ All University of California, Berkeley, police department staff received annual training on sexual harassment and sexual violence through various means, except in 2012 when only sexual assault investigators received training.
- § All California State University, Chico, police department staff received annual training on sexual harassment and sexual violence in 2012 and 2013. In addition, some officers received training on various aspects of sexual harassment and sexual violence from 2009 through 2011.

Resident Advisors Should Be Trained More Frequently

Before the start of the school year, resident advisors at the four universities receive annual training that covers various aspects of the resident advisor position. This training covers sexual harassment and sexual violence, including rape awareness that would be useful in determining how to identify acquaintance rape situations. However, we believe that providing this training twice a year, as indicated by the legislative findings, is more appropriate than annually, because resident advisors can play a key role in students' daily lives and it is important for resident advisors to have frequent training to help ensure they respond properly if incidents of sexual harassment or sexual violence are brought to their attention.

In our review of 80 cases of sexual harassment and sexual violence—26, or 33 percent, occurred in or otherwise involved residence halls.

In our review of 80 cases of sexual harassment and sexual violence—20 at each of the four universities—26, or 33 percent, occurred in or otherwise involved residence halls. We noted two instances in which case documentation indicated that residence hall staff could have better handled the incident, either by reporting the incident promptly or by providing the information to the correct department on campus for further investigation. For example, we reviewed one case file containing evidence that residential housing staff at the University of California, Berkeley (UC Berkeley) advised a student who believed she had been sexually harassed that the alleged perpetrator was harmless. The student then informed a resident advisor about the incident, but the resident advisor apparently could not provide the student with referral information for a therapist upon request and did not report the incident to appropriate university officials. Almost two months later, the student filed a complaint with university police, who then forwarded the complaint to the university's Center for Student Conduct. Although university officials in the Center for Student Conduct eventually investigated the allegations and imposed sanctions on the perpetrator, they could not demonstrate that they informed the applicable university staff of the need to take action regarding the inappropriate advice and lack of reporting by residential housing staff.

Further, six students participating in our survey who provided additional comments expressed concern regarding how resident advisors handled incidents of sexual harassment and sexual violence or indicated that their universities could improve the training provided to residents. By not providing resident advisors with sexual harassment and sexual violence training twice a year, including training on the topic of rape awareness, these universities create the risk that these staff will mishandle student reports of sexual harassment and sexual violence, either by discouraging students from reporting such incidents or by not ensuring that students receive available resources when incidents occur. After we brought this issue to its attention, Chico State revised its annual resident advisor training schedule for the upcoming academic year to include sexual harassment and sexual violence training every semester.

Athletic Coaches Should Receive Additional Training

The four universities we reviewed did not always provide additional training on sexual harassment and sexual violence to athletic coaches during the period under review. The universities provided some additional training on sexual harassment and sexual violence to coaches, but this training was only given once during the five-year period we reviewed. According to the athletic

management at the four universities, currently all coaches at each university complete AB 1825 training; however, as we indicated previously, this training is primarily focused on workplace issues involving employees and is not meant to cover sexual harassment or sexual violence involving students. Therefore, this training is not sufficient. Additional training could help ensure that athletic staff respond appropriately to incidents of sexual harassment or sexual violence.

In our case file review at UC Berkeley, we noted that coaching staff did not respond appropriately to a student's report of sexual violence. The case file indicates that members of a coaching staff were initially made aware of a problem related to the consumption of alcohol, but the coaches were then informed that a student was a recent victim of sexual violence on campus. Under the UC sexual harassment policy, designated employees, such as supervisors, managers, and coaches, are responsible for promptly reporting sexual violence to the Title IX coordinator. However, the coaching staff failed to report the incident immediately to the Title IX office. The case file indicates that the coaches instead punished the student and other team members for their alcohol consumption and instructed the student who experienced the sexual violence to undergo counseling.

According to the Title IX coordinator, the coaches first referred the student to a sports psychiatrist within the athletic department, rather than a psychiatrist trained to assist victims of sexual assault. Information that we cannot disclose in detail for confidentiality reasons indicates that an individual who should have been assisting the student may have instead suggested that the sexual violence would not have occurred had the student not been consuming alcohol. In the 2011 DCL, the OCR recommends that schools inform students that their primary concern is student safety, that any other rules violations will be addressed separately from the allegations, and that use of alcohol or drugs never makes the victim at fault for sexual violence.

A member of the athletic department's training staff informed the Title IX office of the incident about four days after athletic department staff were first made aware of the incident. Because the coaching staff failed to immediately report the incident to the appropriate university officials, the student was not put in contact with the appropriate resources to address her immediate needs. Moreover, the university could not immediately begin investigating the incident to eliminate a potential threat to campus safety. By not providing supplemental training on sexual harassment and sexual violence to athletic coaches, the universities risk having the coaches mishandle reports of these types of student incidents and thus fail to meet the needs of students.

In our case file review at UC Berkeley, we noted that coaching staff did not respond appropriately to a student's report of sexual violence.

University Police Department Staff Receive Training Through Various Means

Staff at each university police department receive training on sexual harassment and sexual violence through various means. Among other trainings, UCLA and San Diego State conduct daily briefing trainings to remind officers of how to handle low-frequency, high-risk incidents. The trainings may cover topics such as domestic violence, the Clery Act, and department policy on sexual assault. UC Berkeley police staff received various trainings related to sexual assault at least annually for the five years we reviewed except for 2012, when only sexual assault investigators were trained. According to the UC Berkeley chief of police, the department will start conducting daily briefing trainings in September 2014. The chief of Chico State's university police department stated that Chico State conducts weekly briefing trainings as a way to provide the entire police department with training on topics such as sexual harassment and sexual violence. Chico State has a program called Safe Place, which became part of the university police department in 2012, that offers support services to individuals victimized by violence. The Safe Place administrator meets with patrol officers during these briefings to discuss Title IX requirements and provide interviewing guidance. Finally, some of the police departments provided information that referred to training that the Commission on Peace Officer Standards and Training (POST) administers. State law requires peace officers to receive, as part of POST training, instruction in standard procedures for the investigation of sexual assault cases. POST is also required to implement a training course for specialist investigators of sexual assault.

Nevertheless, three students participating in our survey who provided comments indicated that university police officers should receive more training on how to interact with students who have experienced an incident of sexual harassment or sexual violence. Eight others were critical of how university police officers handled incidents of sexual harassment and sexual violence, with some of the comments referring to what students had heard regarding other students' experiences. However, in our review of 80 cases of sexual harassment or sexual violence, we identified only one instance in which the documentation indicated a university police department may have interacted inappropriately with students during the reporting process, and there were differing perspectives on the matter. The documentation for a case at UCLA indicated that a student who reported being sexually assaulted believed that the university police department tried to dissuade the student from pursuing criminal charges. According to UCLA officials, they followed up on the matter and determined that communications with the student were appropriate to explain the investigation process and to specifically answer the student's questions. In addition, officials stated the suspect was arrested and prosecution is pending.

The Universities Need to Provide Timely Education to Incoming Students and Refresher Training to All Continuing Students

The universities must do more to appropriately educate students on sexual harassment and sexual violence. Specifically, universities should ensure that incoming students are receiving this education near the time they first arrive on campus and should provide refresher training to all students at the university on a periodic basis. State law requires universities within the CSU system and requests those within the UC system to provide educational and preventive information about sexual violence to all incoming students as part of established campus orientations.

The universities provide this information to incoming students through either in-person or online educational programs. State law does not specify exactly when new student orientations must occur, but as a general practice new student orientations are held in the summer before students are living on campus and begin to take classes. Only UCLA and San Diego State consistently provided the education to freshmen at their summer orientations during the five years we reviewed. UC Berkeley provided the education at various times: during summer orientation; during Welcome Week, which is typically the week before classes start; and throughout the fall semester. Finally, Chico State has chosen to not provide the education during summer orientations because the orientations are voluntary; instead, it has freshman students complete online training on their own during the summer. Similarly, the universities provide education to incoming transfer students either at summer orientations, during Welcome Week, throughout the fall semester, or online during the summer.

Regardless of whether these activities actually constitute “campus orientations” as specified in state law, our concern involves the timing of the education. Some universities across the nation and related support groups have described the first six weeks of the fall semester as the “red zone,” a time when students are at increased risk of sexual assault. Factors described as contributing to the increased risk include being unfamiliar with university social life as well as incoming freshmen not being accustomed to looking out for themselves and not having all the facts on the best ways to prevent sexual assault. We believe that universities should provide education on sexual violence to incoming students near the time that students arrive on campus, as it is important for students to receive this education when they are the most vulnerable to experiencing an incident of sexual harassment or sexual violence. Providing the education at summer orientations may mean that students are receiving it too early to be of most value, and providing it throughout the fall semester may mean that they are receiving it too late. Therefore, the Legislature should amend state law to expressly

We believe that universities should provide education on sexual violence to incoming students near the time that students arrive on campus—when they are the most vulnerable to experiencing an incident of sexual harassment or sexual violence.

require universities to provide this education to incoming students as close as possible to when they arrive but no later than during the first few weeks of their first semester or quarter.

Some university administrators expressed concern that moving existing educational programs closer to when students first arrive on campus would be difficult due to scheduling and resource constraints. In addition, UCLA administrators indicated that its current educational program could not be successfully and effectively executed in the few days before the first day of classes due to the large number of incoming students and the current format of the education. These administrators expressed concern that the quality of the education would be compromised if the university were to change the timing of the educational program. However, it is important for the universities to reinforce information on sexual violence and the resources available to students near the time they first arrive on campus. Therefore, if the universities continue to provide education on sexual violence during new student orientations held in the summer, they should provide refresher education, such as an online educational program, as close as possible to when the students first arrive on campus. UCLA administrators stated that they are exploring adding an online module to be completed by incoming students at the beginning of the academic term.

Three of the four universities offer voluntary educational programs to all students, in addition to the education they provide to incoming students. UCLA offers voluntary workshops to students as well as a certificate program for students who wish to increase awareness and promote community involvement in the prevention of sexual violence. UC Berkeley also holds voluntary workshops by request and has an internship program within its Gender Equity Resource Center that includes training on the topic of sexual harassment and sexual violence, as well as a bystander intervention program. Bystander intervention programs are aimed at the peers of those potentially involved with an incident. According to suggested policies and procedures regarding campus sexual assault issued by the American Association of University Professors in 2012, these programs may provide significant education to the campus community and have an impact on the larger campus culture. San Diego State has voluntary educational programs, such as a bystander intervention program for fraternity and sorority members. Chico State, unlike the other three universities, does not offer its students voluntary educational programs specifically on sexual harassment and sexual violence.

Voluntary educational programs on sexual harassment and sexual violence can be useful; however, to ensure that every student on campus is consistently and regularly made aware of how to handle and report incidents of sexual harassment and sexual violence, universities should require all students to complete mandatory refresher training.

To ensure that every student on campus is consistently and regularly made aware of how to handle and report incidents of sexual harassment and sexual violence, universities should require all students to complete mandatory—rather than voluntary—refresher training.

The 2014 guidance issued by the OCR indicates that refresher training for students would be beneficial. It states that a school should consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals. It is our view that this refresher training should be provided to all students at least annually.

Some Universities Are Not Ensuring That All Incoming Students Attend Educational Programs on Sexual Violence

Although various educational programs are available at all four universities, two universities—UC Berkeley and San Diego State—do not have processes to ensure that all incoming students receive the education. As discussed previously, state law requires universities within the CSU system and requests those within the UC system to provide educational and preventive information about sexual violence to all incoming students. Although UC Berkeley is not required by state law to provide this education to incoming students, it has established a requirement that all incoming students attend the sexual violence education it provides. However, it does not have any consequences for students who fail to attend. An administrator at UC Berkeley noted that students electronically swipe their student cards when they attend a session; however, staff have not consistently used this information to contact students who have not attended to remind them of the requirement. In fact, UC Berkeley has compiled data indicating that only 52 percent of incoming students attended the education it provided for the 2013–14 academic year. According to the UC Berkeley administrator, the university is currently discussing enforcing the education requirement but is taking into consideration the cost of imposing registration holds, as well as the necessary involvement from other university offices. Further, although San Diego State provides some information regarding sexual violence during new student orientations, orientation is not mandatory and the university does not ensure that students who do not attend the orientation receive education on sexual violence.

In contrast, UCLA and Chico State have processes to ensure that all incoming students receive the education they offer by imposing consequences on students who do not attend an educational session and do not complete an online version in its place. UCLA's process is for all incoming students to receive the education either via in-person education during freshman orientation or via an online module for freshmen who do not attend orientation and for all incoming transfer students. Chico State's process is for all incoming freshmen to complete an online alcohol module, including a section on sexual violence, and for all incoming transfer students to either attend in-person sexual violence prevention education or complete the online version of the education. At both universities, students are informed that a

Although UC Berkeley has established a requirement that all incoming students attend the sexual violence education it provides, it does not have any consequences for students who fail to attend.

At both universities—UCLA and Chico State—students are informed that a registration hold is placed on the accounts of students who fail to complete the education.

registration hold is placed on the accounts of students who fail to complete the education. We believe this is a good strategy to ensure that all incoming students receive the required education. By not imposing consequences, such as registration holds, on those who have not received the required education, UC Berkeley and San Diego State risk that their students will not be informed of how to prevent sexual harassment and sexual violence, thus putting the safety of their students at risk.

Universities Do Not Always Provide Supplemental Education for Certain Student Groups

Providing supplemental education to certain student groups, such as student athletes and fraternities and sororities, is important as it can communicate information that is focused on situations that these groups may encounter. According to a research report regarding sexual assaults on university campuses prepared for the National Institute of Justice in 2005, the optimum approach to encourage reporting is to combine a number of strategies, including offering prevention education for the general student population, as well as for specific groups. The report further indicated that administrators at almost 90 percent of the schools studied believe that prevention programs targeting athletes and students in fraternities and sororities encourage reporting.

Legislative findings declare the following related to the enactment of the state law requiring universities within the CSU system to provide rape and sexual assault educational programs:

- Universities should implement a variety of educational programs to inform students about sexual assaults on campus, including programs specifically directed at these student groups.
- The programs should disseminate factual information about sexual assault, promote open discussion, encourage reporting, and provide information about prevention to students.
- Student athletes should attend sexual assault seminars during a student athlete orientation or before the first team meeting, and members of fraternities and sororities and other student organizations should undergo rape awareness training each year before they are permitted to hold any events.⁹

⁹ These legislative findings related to student education are part of the legislative findings that we discussed in a previous section. As we pointed out in that discussion, the legislative findings are not binding, but they do provide an indication of the goals that the Legislature had in mind when it imposed the requirement to adopt rape and sexual assault educational programs for universities within the CSU system. This provision is applicable to universities within the UC system only to the extent that the Regents of the UC elect to make it applicable.

Although the universities provided varying amounts of supplemental education to student athletes and members of fraternities and sororities, in our view the education was for the most part not consistent with the goals for these groups described by the Legislature when it enacted the law requiring rape and sexual assault prevention programs for universities within the CSU system. Table 4 presents the degree to which the universities provided supplemental education to student athletes and members of fraternities and sororities during our five-year review period.¹⁰

Table 4
Sexual Assault Training Provided to Student Athletes and Rape Awareness Training Provided to Student Members of Fraternities and Sororities in Addition to University-Required Training During the 2009–10 Through 2013–14 Academic Years

	ACADEMIC YEAR				
	2009–10	2010–11	2011–12	2012–13	2013–14
University of California, Berkeley					
Student athletes	◆*	◆*	◆*	◆*	◆*
Fraternities and sororities	✗	✗	✗	✗	✗
University of California, Los Angeles					
Student athletes	◆†	◆†	◆†	◆†	✓
Fraternities and sororities	◆	◆	◆‡§	◆‡§	◆‡§
California State University, Chico					
Student athletes	✗	✗	✗	✗	✗
Fraternities and sororities	✗	✗	◆‡	✓	◆‡
San Diego State University					
Student athletes	✗	✗	✗	✗	✗
Fraternities and sororities	◆	◆	◆	◆	◆

Sources: California Education Code, Section 67390, and information provided by the four universities.

✓ = Training was provided.

◆ = Some training was provided.

✗ = No training was provided.

* Student athletes received some training, but the content did not address sexual assault to the extent of a sexual assault seminar.

† Some student athletes received additional sexual assault training.

‡ Rape awareness training is provided but only to new members.

§ Additional training was provided to leadership outside of the training received as new members.

|| Bystander intervention training, Fraternity Men Against Negative Environments and Rape Situations, and Greeks Advocating Mature Management of Alcohol are available but are voluntary.

¹⁰ Although our review of the extent to which universities provided rape awareness training focused on fraternities and sororities, we discuss the need for supplemental education for members of other student organizations later in this section.

Student athletes receive an overview of sexual harassment and sexual violence during either student athlete team meetings or mandatory compliance meetings, but they generally do not receive the equivalent of a sexual assault seminar each year during student athlete orientation or prior to the first team meeting, as suggested by the legislative findings. According to school officials at UC Berkeley, during some years all student athletes received bystander intervention training. Additionally, various athletic teams received verbal presentations on topics such as alcohol, behavioral issues such as the link between alcohol and sexual assault, and general safety from the UC Berkeley police department. However, these trainings do not address sexual assault to the extent of a sexual assault seminar.

Chico State and San Diego State also did not provide the equivalent of a sexual assault seminar to student athletes during the period under review as suggested by the legislative findings. Chico State briefly covers sexual assault during a mandatory compliance meeting for student athletes held at the beginning of the year by mentioning that it is the student's responsibility to report incidents of sexual harassment and sexual violence and stating where to go for help. San Diego State does not provide any additional sexual assault education for student athletes outside of the education they may receive through other avenues at the university, such as freshman orientation. As we discuss in the next section, the information on sexual violence in that orientation is limited.

According to its senior associate athletic director, UCLA implemented a student athlete mentor program as an avenue through which student athletes could receive peer mentoring and provided various trainings to student athletes from 2009 through 2013. However, not all student athletes received supplemental sexual assault training besides what was provided during new student orientation. According to the senior associate athletic director, as of the 2013–14 school year, all student athletes are required to complete Blame It on the Alcohol (BIOTA), a sexual assault educational program offered through UCLA's Campus Assault Resources and Education (CARE) program. To ensure that universities are providing education consistent with the goals described by the Legislature, they should provide supplemental sexual harassment and sexual violence training to all student athletes, including training on sexual assault, annually. Further, to be most informative, the supplemental training should be focused on situations involving sexual harassment or sexual violence that student athletes may encounter.

To be most informative, supplemental training for student athletes should be focused on situations involving sexual harassment or sexual violence that they may encounter.

Student members of fraternities and sororities at Chico State and UCLA currently receive rape awareness training as new members of their respective sorority or fraternity, but not all

student members of fraternities and sororities are required to undergo rape awareness training each year before they are allowed to hold events, as suggested by the legislative findings. UCLA began mandating that new student members of sororities and fraternities complete the BIOTA training administered through UCLA's CARE program during the 2011–12 school year. In addition to this training, according to the UCLA Greek advisor, student members of fraternities and sororities in leadership positions will receive mandatory additional training for the spring 2014 semester. According to its program coordinator of fraternity and sorority affairs, Chico State began requiring new student members of fraternities and sororities to complete violence prevention education delivered by the Safe Place administrator during the 2011–12 school year. Additionally, mandatory training was provided to all members in February 2013. According to its assistant director of fraternity and sorority advising and leadership development, UC Berkeley mandates risk management education for student members of fraternities and sororities in leadership positions. However, this education includes only a limited discussion of sexual assault, and in our view it does not equate to the suggested rape awareness training. Further, to be most useful, the supplemental sexual harassment and sexual violence training provided to student members of fraternities and sororities should be focused on situations they may encounter.

San Diego State has three programs—bystander intervention, Fraternity Men Against Negative Environments and Rape Situations, and Greeks Advocating Mature Management of Alcohol—that include topics such as how to prevent sexual assault and how to encourage students who have experienced a sexual assault to report, but these programs are not mandated for fraternity and sorority members. Because it does not provide mandated yearly sexual harassment and sexual violence training, including rape awareness, to student members of fraternities and sororities, the university falls short in protecting students.

Our review of cases of sexual harassment and sexual violence supports the conclusion that training focused on fraternities and sororities would be beneficial. In our review of 80 cases of sexual harassment and sexual violence from the four universities, 20 cases involved members of fraternities or sororities or occurred at a fraternity or sorority event. Additionally, 16 students who participated in our survey and who provided comments regarding what they would recommend changing at their universities indicated that members of fraternities and sororities should receive additional training or expressed concern about the prevalence of sexual harassment and sexual violence incidents among student members of fraternities and sororities.

In our review of 80 cases of sexual harassment and sexual violence from the four universities, 20 cases involved members of fraternities or sororities or occurred at a fraternity or sorority event.

It would be beneficial for the universities to determine which student organizations participate in activities that may place students at risk and require members of these organizations to receive annual, supplemental sexual harassment and sexual violence training.

Further, members of other student organizations would also benefit from supplemental education. These include co-ed student organizations that participate in activities, including overnight travel, that may lead to situations in which students are vulnerable to incidents of sexual harassment or sexual violence. For example, one of the cases we reviewed related to an incident that occurred during an overnight event organized by student organizations from UCLA that was held at a location outside the Los Angeles area. In our review of cases from the four universities, eight of the 80 incidents involved events sponsored by other student organizations. As discussed previously, the legislative findings state that other student organizations should undergo rape awareness training each year before they are permitted to hold any events. We recognize that each university has numerous student organizations. Thus, we believe it would be beneficial for the universities to determine which student organizations participate in activities that may place students at risk and require members of these organizations to receive annual, supplemental sexual harassment and sexual violence training, including rape awareness, that is focused on situations their members may encounter.

The Content of the Education Provided to Students Should Be Improved

The content of the education on sexual violence provided to incoming students should be improved. State law requires universities within the CSU system and requests those within the UC system to include specific content in the educational and preventive information about sexual violence provided to incoming students during established campus orientations.¹¹ Specifically, according to the law, the content is to include common facts and myths about the causes of sexual violence; information regarding dating violence, rape, sexual assault, domestic violence, and stalking crimes; and information on how to file an administrative complaint with the university and how to file criminal charges with local law enforcement officials. In addition, the content is to include information on university and community resources for students who have experienced an incident of sexual violence, methods of encouraging peer support, and information regarding university, criminal, and civil consequences of committing acts of sexual violence. As discussed previously, the universities provide this information to incoming students through either in-person or online educational programs.

Further, state law requires universities to distribute copies of their written policies on sexual harassment to students at new student orientations. The policy must include information on where to obtain

¹¹ As discussed in the Introduction, UC is subject to limited legislative control.

the specific procedures for reporting complaints of sexual harassment and for pursuing available remedies, which would be relevant for reporting Title IX complaints.¹² We believe that explaining the process for filing a Title IX complaint is critical when the universities are educating incoming students regarding sexual violence.

Of the 208 students that participated in our survey, 59, or 28 percent, responded that they were not aware they could file a complaint with the university reporting sexual harassment and sexual violence that occurs on campus or when participating in affiliated programs or activities. This is information that should be included in the education provided to students. The 2011 DCL states that to achieve compliance with Title IX, it is critical that universities provide notice to students of procedures to file a Title IX complaint with the university. The 2011 DCL also states that universities should provide information about prevention and encourage reporting.

As shown in Table 5 on the following page, the educational content provided to students at San Diego State is particularly lacking. San Diego State does not provide comprehensive educational content on sexual violence to incoming students and instead provides only limited information regarding sexual violence during a short verbal discussion as part of its new student orientation. The content of this discussion is insufficient. Further, the educational content does not adequately notify students of campus resources and of how to file a Title IX complaint with the university. In addition, this discussion states that all complaints will be investigated by the university police. This could intimidate some students, and as a result San Diego State risks discouraging students who have experienced an incident of sexual violence from filing a complaint with the university.

San Diego State has developed a brochure on Title IX that includes a significant amount of important information, such as what to do if a student experiences an incident of sexual harassment or sexual violence. However, the brochure should not be viewed as a substitute for student education. The brochure is available at various campus offices and is also available on one of the Web pages for the university office that oversees student conduct, but it is not distributed at new student orientations. By not providing comprehensive educational content to its incoming students, San Diego State risks students being unaware of their ability to file a Title IX complaint with the university, as well as other important information, and puts the safety of the university community at risk.

Of the 208 students that participated in our survey, 28 percent responded that they were not aware they could file a complaint with the university reporting sexual harassment and sexual violence that occurs on campus or when participating in affiliated programs or activities.

¹² We discuss the limited extent to which some universities are distributing copies of the policy on sexual harassment later in the chapter.

Table 5
Comparison of the Educational Content for Incoming Freshman Students at the Four Universities

EDUCATIONAL CONTENT OUTLINED BY THE LEGISLATURE*	UNIVERSITY OF CALIFORNIA, BERKELEY†	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY
Common facts and myths about the causes of sexual violence	✓	✓	✓	✓
Dating violence, rape, sexual assault, domestic violence, and stalking crimes	✓	✓	✓	✗
How to file an administrative complaint with the university	✓	✗‡	✗	✗
How to file criminal charges with local law enforcement officials	✓	✗‡	✗	✗
Availability of, and contact information for, campus and community resources for students who have experienced an incident of sexual violence	✓	✓	✗	◆
Methods of encouraging peer support for students who have experienced an incident of sexual violence	✓	✓	✓	✓
Campus, criminal, and civil consequences of committing acts of sexual violence	✓	✗‡	✓	✗

Sources: California Education Code, Section 67385.7(b), and the California State Auditor's analysis of the incoming student education on sexual violence at the four universities listed.

Note: This table focuses on the educational content provided to incoming freshman students. Our assessment of the content provided to transfer students, who at some of the universities receive different educational programs, is similar. However, the content for transfer students at the University of California, Los Angeles, and California State University, Chico, addresses all of the content items.

✓ = Content was included in the education.

◆ = Content was partially included in the education.

✗ = Content was not included in the education.

* State law requires universities within the California State University system and requests those within the University of California system to include this content in the educational and preventive information about sexual violence provided to students.

† We evaluated the combined content of two educational programs because the university provides education to incoming students both via an online module and an in-person workshop.

‡ This content was not included in the sexual violence presentation, but it was included as part of materials distributed to students at new student orientations.

Similarly, the content of the education Chico State provides to incoming freshmen via an online module does not inform students of how to file a Title IX complaint with the university, nor does it inform students about university resources and reporting offices, because the online module does not include university-specific information. In addition, two of the four universities—UCLA and San Diego State—do not address consequences in the educational content provided to incoming freshman students. A discussion of consequences may deter students from potentially committing acts of sexual harassment or sexual violence.

Recent changes to federal law create new requirements that universities will need to consider as they focus on modifying the content of the training they provide to incoming students. The enactment of the Violence Against Women Reauthorization Act of 2013 (Reauthorization Act), which took effect in March 2014, amended the Clery Act to require universities to include certain information in their educational programs for incoming students, among other provisions. Specifically, the educational programs

must now promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and they are required to include information on topics such as the definition of consent in reference to sexual activity and options for bystander intervention. Another key area that now must be addressed relates to possible sanctions or protective measures that universities may impose following their final determinations of disciplinary procedures. In addition, it is important to note that the Reauthorization Act also requires that the specific areas it outlines be included in educational programs for new university employees.

The 2014 guidance recently issued by the OCR provides direction that the universities should follow when providing training to their students. The 2014 guidance states that, to ensure that students understand their rights under Title IX, a school should provide training to its students regarding Title IX and sexual violence. It also states that the school should provide this training in its orientation programs for new students and in its training for student athletes and members of student organizations. Among the various topics that OCR recommends that the training cover are Title IX and what constitutes sexual violence under the school's policies as well as reporting options, including formal reporting and confidential disclosure options and any time frames set by the school for reporting. Some of the topics that OCR recommends are similar to those that the Reauthorization Act requires. For example, the OCR recommends that the training include the school's definition of consent applicable to sexual conduct, including examples, and strategies and skills for bystanders to intervene to prevent possible sexual violence. Finally, the OCR states that training should also encourage students to report incidents of sexual violence.¹³

The OCR states that training should also encourage students to report incidents of sexual violence.

The CSU and UC Systems Should Monitor Universities' Compliance with Federal and State Requirements

Universities must comply with various federal and state requirements that address sexual harassment and sexual violence, and the two university systems have issued direction to their respective universities to help ensure that they comply with these requirements. Both CSU's Office of the Chancellor and UC's Office of the President have created a systemwide sexual harassment policy. In April 2012 the CSU system updated its 2010 systemwide policy prohibiting discrimination, harassment, and retaliation against students in response to the 2011 DCL. Specifically, CSU's 2012 systemwide policy requires universities to

¹³ Although the OCR notes that the 2014 guidance focuses on sexual violence, it states that schools should ensure that any training they provide on Title IX and sexual violence also covers other forms of sexual harassment.

designate a Title IX coordinator to coordinate training, education, and the administration of complaint procedures related to sexual harassment and sexual violence, along with other oversight duties. Before 2012 the CSU systemwide policy did not discuss the designation of a Title IX coordinator and simply stated that discrimination complaints against students would be filed per student conduct procedures and complaints would be referred to the campus-designated student conduct administrator. In contrast, UC had already established the role of the Title IX coordinator when the 2011 DCL was issued, and the role had been in place since at least 2004, according to systemwide procedures that were issued that year.

We note that the requirement to have a Title IX coordinator role was not new with the issuance of the 2011 DCL. Federal Title IX regulations and the 2001 guidance issued by the OCR require the universities to designate at least one employee to carry out their responsibilities under Title IX. However, the 2001 guidance stated that while a school may choose to have a number of employees responsible for Title IX matters, it was *advisable* to give one official responsibility for overall coordination and oversight of all complaints. In its 2011 guidance, the OCR clarified its expectations by stating that one coordinator should be designated as having ultimate oversight responsibility, and any other coordinators should have titles clearly showing that they are in a deputy or supporting role to the senior coordinator.

As discussed in the Introduction, the Reauthorization Act includes amendments to the Clery Act that, among other provisions, require campuses to develop specific policy statements and distribute them in their annual security reports. The UC system updated its 2006 policy on sexual harassment in February 2014 to incorporate the new requirements in the Reauthorization Act. It refers to the new policy as its sexual harassment and sexual violence policy. However, the CSU system is still in the process of issuing a new sexual harassment policy to comply with the new requirements in the Reauthorization Act. As of mid-May 2014, the draft policy was undergoing comment and review.¹⁴

To ensure that the universities within their systems comply with Title IX and related laws and guidance, it is important that the universities have monitoring processes.

To ensure that the universities within their systems comply with Title IX and related laws and guidance, it is important that the universities have monitoring processes. The Office of the University Auditor, which is within CSU's Office of the Chancellor, performed Title IX compliance reviews at six campuses in 2012 as a result of a systemwide risk assessment conducted in 2011. Along with

¹⁴ Subsequently, after we provided our draft report for comment, the CSU system issued its new policy. Because of the late release, we did not review it as part of our audit.

other weaknesses, the Office of the University Auditor reported that CSU was operating without clearly defined programmatic responsibilities for Title IX compliance and that systemwide policies and procedures needed to be updated. In contrast, according to its systemwide audit director, UC did not conduct compliance reviews of Title IX during our five-year review period. The UC audit director indicated that Title IX has not been identified as a high-risk area during recent risk assessments. However, the UC policy on sexual harassment and sexual violence that was issued in February 2014 states that the senior vice president-chief compliance and audit officer will periodically audit and monitor compliance with the policy.¹⁵ We believe that the importance of this subject as well as the concerns we have identified in this audit report point to a need for both systems to provide monitoring on a regular basis. Conducting frequent compliance reviews will help ensure that universities are implementing the appropriate policy and procedures to comply with Title IX and related federal laws and guidance.

Universities Need to Improve the Distribution of Policies to Students and Employees

All four universities complied with federal requirements related to reporting and policy distribution. Specifically, the universities included in their annual security reports a statement of policy regarding their sexual assault programs and the procedures they follow once a sex offense has occurred, as required by the Clery Act and the related federal regulations. In addition, all four universities published and disseminated a notice of nondiscrimination stating that the university does not discriminate based on sex in its educational programs and activities, as required by Title IX regulations and the 2011 DCL.

However, none of the four universities consistently complied with requirements in state law for distribution of relevant policies. The distribution of these policies is important to inform students and university employees of how to appropriately handle and respond to such incidents. State law requires universities to distribute copies of their written policy on sexual harassment to students at new student orientations and to university employees at the beginning of every academic year. Two of the four universities did not distribute copies of their written policy on sexual harassment to students at new student orientations. One way to meet this distribution requirement is by providing materials at the orientations that link to where the policy is located on the university's Web site, which is

Although all four universities complied with federal requirements related to reporting and policy distribution, none of the four universities consistently complied with requirements in state law for distribution of relevant policies.

¹⁵ This individual oversees the work of the systemwide audit director and staff.

We observed that copies of the written policy on sexual harassment and the notice of nondiscrimination were not posted in locations we think should be treated as prominent locations.

what UCLA does. Similarly, at its in-person educational program for incoming students, UC Berkeley provides a “Road Map” that provides contact information for resources and links to where the policy is located on the university’s Web site. However, as discussed previously, UC Berkeley does not ensure that all incoming students attend this educational program. Therefore, the policy does not get distributed to all incoming students. Although some of the universities indicated that they took other actions, such as providing copies to new employees, none distributed copies to all employees at the beginning of each academic year. The universities could meet this annual requirement by distributing the policies via mass e-mails to their employees.

Further, the universities did not post their policies in certain places on campus where they might be seen by large numbers of students. Under the law, universities must display a copy of the written policy on sexual harassment in a prominent location in the university’s main administrative building or in other areas of the university where notices are posted. Also, the 2011 DCL recommends that the notice of nondiscrimination be prominently posted on school Web sites and at various locations throughout the campus. However, we observed that copies of the written policy on sexual harassment and the notice of nondiscrimination were not posted in locations we think should be treated as prominent locations. Instead, these policies are primarily available online.

State law does not specifically require posting the written policy on sexual harassment in residence halls; however, we believe these are key locations because new students commonly reside in residence halls. Further, the 2011 DCL states that universities should post materials on sexual harassment and sexual violence throughout residence halls. Our observation of certain residence halls and discussions with university administrators indicated that the universities were not posting the policy in residence halls. We also learned that the universities generally do not post other information regarding sexual harassment and sexual violence in the residence halls on a year-round basis. Administrators at some of the universities stated that some information on this topic may be posted at various times throughout the year, depending on residence hall programming. In fact, we observed that UCLA posts a document on resident advisors’ doors notifying students where to go for certain emergency issues, including sexual assault. We believe this is a good practice. However, by not having the policy on sexual harassment and additional information regarding sexual harassment and sexual violence posted in the residence halls at all times, the universities risk that students will not be informed of their right to file a Title IX complaint. Further, we believe that there are other key locations, such as athletic facilities, that could serve as critical places to inform students. To better ensure that

students are reminded of and know how to access the policy on sexual harassment, it is important that the Legislature amend state law to require universities to provide this information in additional prominent locations, such as residence halls and other university housing and athletic facilities. Also, to reflect evolving technology, the Legislature should consider the most effective means of posting this information and that it may not be effective to post the policy in its entirety. An alternative would be to post summary information that explains how students can access the full policy. In fact, we note that in April 2014 UCLA began providing information on sexual harassment and sexual violence on electronic bulletin boards that display a link to a Web site that has additional information including the policy.

Universities Have Various Resources Available, but Not All Universities Have a Resource Advocate

During the period of our review, federal law required universities to notify students of existing resources, namely on- and off-campus counseling, mental health, and student services for victims of sexual assault. In addition, the 2011 DCL letter recommends that universities offer counseling, health, mental health, and other services to students affected by sexual harassment or sexual violence, and inform students of these campus and community resources.¹⁶ Our review determined that all four universities have adequate information on resources available to students who have experienced an incident of sexual harassment or sexual violence, in the form of brochures and flyers at each department involved in the reporting process, in addition to resources listed online. However, 46 of the 208 students who participated in our survey, or 22 percent, stated that they were not aware of resources available on campus should they or someone they know experience sexual harassment or sexual violence. An additional 91, or 44 percent, were only “somewhat” aware. These survey results suggest that the brochures and flyers, by themselves, may not always be effective in informing students of available resources.

When considering whether the universities have appropriate and sufficient types of resources, we found that they all have various counseling, mental health, and other resources available to students who have experienced an incident of sexual harassment or sexual violence. For example, UC Berkeley has various offices and departments that can provide resources to students, such as the Gender Equity Resource Center; the university police department;

Twenty-two percent of the 208 students who participated in our survey stated that they were not aware of resources available on campus should they or someone they know experience sexual harassment or sexual violence, and another 44 percent were only “somewhat” aware.

¹⁶ As of March 2014 federal law requires written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on campus and in the community.

Although none of the universities have the capability to perform evidentiary collection at their student health centers, staff at all of the universities indicated that they refer students and offer to provide transportation to nearby hospitals.

and the Student Advocate's Office, a student organization that helps students file complaints. Further, each of the four universities has a student health center that offers medical care. The student health centers at the four universities are open weekdays during business hours, and some are open for limited services on Saturdays. Although none of the universities have the capability to perform evidentiary collection at their student health centers, staff at all of the universities indicated that they refer students and offer to provide transportation to nearby hospitals that have specialized equipment, staff, and facilities for students who opt to pursue evidentiary collection in the event of a sexual assault. For example, UCLA refers and offers to transport its students to its Rape Treatment Center at Santa Monica–UCLA Medical Center in order to provide specialized services to students who experience an incident of sexual violence. We believe that referring students to nearby hospitals is a reasonable approach in light of the need for specialized services as well as the need for off-hours access to those services.

We also reviewed whether the universities have a resource advocate on staff that is a central point of contact and is available to help students obtain and receive services when they experience an incident of sexual harassment or sexual violence. The American College Health Association recommends that universities develop a coordinated, seamless, victim-centered response service between campus and community resources. UCLA and Chico State each have an advocate or advocate team specifically designated to either connect students who have experienced an incident of sexual harassment or sexual violence to on- or off-campus resources or help them through the process of filing a Title IX complaint. The advocates also have training responsibilities. At Chico State the Safe Place administrator provides education to incoming transfer students, fraternity and sorority members, and medical staff at the student health center. The CARE team at UCLA conducts workshops offered to all interested students, along with orchestrating a certificate program available to student campus leaders that offers training on sexual assault to increase awareness and promote community involvement in the prevention of sexual assault.

At UC Berkeley, the director of women's resources (director) at the Gender Equity Resource Center is responsible for women's empowerment programming, sexual harassment and sexual assault resources, and working with student peer educators. The director is the sexual harassment and sexual assault resource specialist and performs some of the functions of an advocate, such as functioning as a liaison to connect students to resources. However, the director does not serve as an advocate to the extent that the UCLA and Chico State advocates do. Specifically, only a portion

of the director's duties is specific to assisting students in making contact with appropriate campus resources. Further, the director is not a confidential resource for students. Recently, UC Berkeley took steps to enhance the campus's response to sexual assault. In February 2014 UC Berkeley's chancellor announced that he had allocated resources to create a new position that will assist students who have experienced an incident in navigating the reporting process, along with securing emotional support and resources. This new confidential survivor advocate position is intended to be a central and confidential point of contact. According to its associate chancellor, UC Berkeley anticipates staffing this position by the start of the fall 2014 semester. In addition, UC Berkeley's chief of police stated that a survivor resource specialist position was created in March 2014. This position is intended to connect individuals to university and community resources that provide counseling and other services when the individual has reported to the university police department his or her experience with an incident of sexual harassment or sexual violence.

Although San Diego State's Title IX brochure includes a compilation of available resources, the university does not have a resource advocate position designated to help students who have experienced an incident of sexual harassment or sexual violence navigate the reporting process. Of the 21 San Diego State students participating in our survey who had a recommendation regarding what could be improved in the handling of sexual harassment and sexual violence on their campus, three students indicated that having an advocate to help guide students through the reporting process and connect them with appropriate resources would be beneficial. The Title IX coordinator at San Diego State stated that, although San Diego State does not have an advocate position, staff believe in providing advocate services to San Diego State students in need and that the advocate duties are dispersed across campus. Further, the Title IX coordinator stated that San Diego State takes a holistic approach to handling sexual assault and violence, and she believes that having employees who perform advocate duties across all areas of campus is a model that works well for San Diego State. However, we believe the absence of an advocate position or team can discourage students from engaging in the reporting process because they do not have a central point of contact to facilitate the process or connect them to the appropriate resources.

Recent guidance supports the use of a resource advocate and indicates that these individuals should be a confidential resource. In its April 2014 report, the White House Task Force to Protect Students From Sexual Assault (task force) recommended that schools have a trained "confidential victim advocate" who can provide emergency and ongoing support. The task force referred to this as a key best practice and explained that, among other things, the advocate should be able

Recent guidance supports the use of a resource advocate and indicates that these individuals should be a confidential resource.

to help the student obtain needed resources and accommodations, explain how the school's grievance and disciplinary system works, and help the student navigate the process. The task force commented that after students receive initial, confidential support, they often decide to proceed with a formal complaint or cooperate in an investigation. Additionally, in its 2014 guidance, the OCR recognized that advocates are valuable sources of support for students and strongly encouraged schools to designate these individuals as confidential sources. When UC Berkeley establishes its new position, all of the four universities we reviewed except San Diego State will have a confidential resource advocate in place.

Recommendations

Legislative Recommendations

To ensure that all universities provide sufficient training, the Legislature should amend state law to require universities to train all of their employees annually, consistent with their role, on their obligations in responding to and reporting incidents of sexual harassment and sexual violence involving students.

To ensure that students are provided the education at the most ideal time, the Legislature should amend state law to expressly require that incoming students be provided education on sexual harassment and sexual violence as close as possible to when they arrive on campus but no later than the first few weeks of their first semester or quarter.

To ensure that all students are reminded of and know how to access their university's sexual harassment policies, the Legislature should amend state law to require universities to provide this information in additional prominent locations frequented by students, such as residence halls and other university housing and athletic facilities. Further, to reflect evolving technology, the Legislature should consider the most effective means of providing this information to students and that it may not be effective to post the policy in its entirety. An alternative would be to post summary information that explains how students can access the full policy.

Recommendations to CSU's Office of the Chancellor

The Office of the Chancellor should direct all of the universities within the CSU system to comply with the recommendations in this audit report. Also, to ensure that its universities are complying with Title IX requirements, the Office of the Chancellor should conduct

routine Title IX reviews. When conducting these compliance reviews, the Office of the Chancellor should determine whether universities have implemented this report's recommendations.

Recommendations to UC's Office of the President

The Office of the President should direct all of the universities within the UC system to comply with the recommendations in this audit report. Also, to ensure that its universities are complying with Title IX requirements, the Office of the President should conduct routine Title IX reviews. When conducting these compliance reviews, the Office of the President should determine whether universities have implemented this report's recommendations.

Recommendations to All Universities

To help ensure that university faculty and staff do not mishandle student reports of incidents, all faculty and staff should receive training annually, consistent with their role, on their obligations in responding to and reporting incidents of sexual harassment and sexual violence.

To help ensure that resident advisors handle incidents of sexual harassment and sexual violence appropriately, all universities should provide supplemental training on sexual harassment and sexual violence, including rape awareness training, for resident advisors twice a year.

To help ensure that athletic coaches handle incidents of sexual harassment and sexual violence appropriately, all universities should provide supplemental training on sexual harassment and sexual violence, including sexual assault, annually for all athletic coaches.

All universities should provide their education on sexual harassment and sexual violence to incoming students as close as possible to when they arrive on campus but no later than the first few weeks of their first semester or quarter. Further, universities should provide periodic refresher educational programs, at least annually, to all students on campus to ensure that they are aware of how to handle and report incidents of sexual harassment and sexual violence.

All universities should provide supplemental training on sexual harassment and sexual violence, including sexual assault, for all student athletes on an annual basis. Further, the universities should provide supplemental training on sexual harassment and sexual violence, including rape awareness, to all student members

of fraternities and sororities on an annual basis. The universities should also determine which student organizations participate in activities that may place students at risk and ensure that they receive annual, supplemental training on sexual harassment and sexual violence, including rape awareness. Each of the trainings should be focused on situations the members of the respective student groups may encounter.

To ensure compliance with federal law and guidance, all universities should review their educational programs for incoming students and employees and modify them as needed, as outlined in the Reauthorization Act and the 2014 guidance issued by the OCR.

To comply with state law, all universities must ensure the appropriate distribution of their written policy on sexual harassment to all university employees at the beginning of every academic year.

All universities should appropriately post the university's policy on sexual harassment. The policy should be posted prominently in the university's main administrative building and in other areas on campus where notices are posted, including key locations such as residence halls and athletic facilities. Similarly, the notice of nondiscrimination should be posted prominently throughout the university. If, because of the length of the policy on sexual harassment, it is not effective to post it in its entirety, the universities should post summary information that explains how students can access the full policy.

University-Specific Recommendations

To ensure that all incoming students receive education on sexual harassment and sexual violence, San Diego State and UC Berkeley should impose consequences, such as registration holds, on those not receiving the education.

San Diego State should widely distribute its Title IX brochure to ensure that all students and employees are aware of how to handle incidents of sexual harassment and sexual violence.

Chico State, San Diego State, and UCLA should ensure that the content of the education on sexual violence they provide to incoming students covers the topics outlined in California Education Code, Section 67385.7(b). Although we recognize that state law requests, rather than requires, the UC system to provide this education, we believe doing so is important to better inform students.

UC Berkeley should follow through with its current plan to staff the confidential survivor advocate position by the start of the fall 2014 semester.

To comply with state law, Chico State, San Diego State, and UC Berkeley must ensure the appropriate distribution of the university's written policy on sexual harassment to all incoming students at new student orientations.

San Diego State should identify an individual to serve as a resource advocate and to be a central point of contact and a confidential resource available to help students obtain the services needed when they experience an incident of sexual harassment or sexual violence.

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Chapter 2

THE UNIVERSITIES NEED TO IMPROVE THEIR PROCESSES FOR RESPONDING TO INCIDENTS OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE, AS WELL AS INCREASE THEIR EFFORTS TO PREVENT AND MONITOR SUCH INCIDENTS

Chapter Summary

Each of the four universities we reviewed has an adequate overall process for responding to incidents of sexual harassment and sexual violence. However, as indicated in Table 6, the universities need to improve these processes in some key areas. Specifically, the universities should do more to demonstrate that a student who may have experienced sexual harassment or sexual violence is informed of his or her reporting options and what to expect regarding the university's subsequent actions. The universities then need to better keep students who file a complaint informed of the status of the investigation and notified of the eventual outcome.

Additionally, the universities need to evaluate summary data related to incidents of sexual harassment and sexual violence. Evaluation of these data would allow them to identify trends, such as the timing and location of incidents, which could then inform their outreach and prevention efforts. The universities have created or are in the process of creating multidisciplinary committees to address sexual harassment and sexual violence prevention. These multidisciplinary committees can evaluate data on the number of incidents of sexual harassment and sexual violence and discuss potential solutions.

Table 6
Summary of the Universities' Efforts to Respond to, Investigate, and Resolve Complaints

ACTIVITY	APPLICABLE CRITERIA*	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY	PAGE NUMBER WHERE DISCUSSION BEGINS
Has the university established a process to investigate and resolve complaints?	Required by law	✓	✓	✓	✓	50
Did the university inform students of what to expect from the complaint process?	Recommended by OCR	◆	◆	◆	◆	54
Did the university provide periodic status updates to complainants and respondents?	Recommended by OCR	◆	◆	◆	◆	57
Did the university notify complainants and respondents of case outcomes?	Required by law or OCR [†]	◆	◆	◆	◆	59

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ACTIVITY	APPLICABLE CRITERIA*	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY	PAGE NUMBER WHERE DISCUSSION BEGINS
Did the university investigate complaints in a timely manner?	Required by law	◆	◆	◆	✓	61
Did the university bring all cases to a resolution and impose discipline or other action, if applicable?	Required by law	✓	✓	◆	✓	63

Source: California State Auditor's analysis of 20 case files at each university for the period 2009 through 2013.

✓ = No concerns identified.

◆ = Some concerns identified.

* For the purposes of this table, the term *Required by Law* includes items that are required by regulations. *Required by OCR* and *Recommended by OCR* indicate that the federal Office for Civil Rights has provided direction on the matter through the guidance it issued in 2001 and 2011. Whether the activity is classified as *required* or *recommended* depends on the wording used in the guidance.

† Notification is required by law when the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act applies.

Each University We Reviewed Has Established a Process to Investigate and Resolve Allegations of Sexual Harassment and Sexual Violence

We reviewed how four California universities—University of California, Berkeley (UC Berkeley); University of California, Los Angeles (UCLA); California State University, Chico (Chico State); and San Diego State University (San Diego State)—investigate and resolve student allegations of sexual harassment and sexual violence. We found that each university has improved its processes over time in response to federal guidance, and that the universities' current processes, if consistently followed within the intent of federal guidance, are generally adequate to investigate and resolve allegations of sexual harassment and sexual violence. Even so, as we describe in later sections of this chapter, the universities need, and appear willing, to make improvements in how they demonstrate compliance with federal requirements and guidance.

Title IX of the Education Amendments of 1972 (Title IX) requires each university to adopt and publish procedures for the prompt and fair resolution of student and employee complaints of Title IX violations, which includes allegations of sexual harassment or sexual violence. As we describe in the Introduction, each university we reviewed has a process in place for receiving and resolving such complaints. As required by federal regulations, each university has a Title IX coordinator who investigates, or otherwise helps resolve, Title IX complaints. As allowed by guidance from the U.S. Department of Education's (U.S. DOE) Office for Civil Rights (OCR) and policies published by both the California State University (CSU) and University of California (UC) systems, these Title IX coordinators and those that assist them use formal or informal processes to resolve complaints.¹⁷

¹⁷ The UC system generally uses the term *early resolution* to refer to processes not otherwise considered formal. When we are collectively describing both the UC and CSU processes that are not otherwise formal, we use the term *informal*—a term used by CSU and federal guidance.

The CSU and UC policies for formal resolution of complaints of sexual harassment and sexual violence have stricter administrative requirements than the informal processes. For example, under the procedures for a formal investigation, university officials must promptly investigate incidents, and, in most cases, complete an investigation within a 60-working-day timeline unless the investigating office is granted an extension by university officials. In addition, the policies require university officials to communicate the investigation results in a formal investigation report that includes the summary of the allegations, the investigation process, the evidence considered, findings of fact, and a determination as to whether the policy was violated. Officials also must issue notice of the investigation outcome to the complainant and the respondent indicating whether the allegations were substantiated. Finally, the policies require that the results of the investigation be provided to the campus student conduct administrator.

An alternative to the formal resolution of Title IX complaints is an informal approach. Both the CSU and UC system policies on sexual harassment and sexual violence state that the goal of an informal approach is to resolve concerns at the earliest stage possible in a quick and effective manner. However, under the informal approach, formal investigative reports, which indicate definitively whether it is more likely than not that a Title IX violation occurred, are not required and the 60-working-day timeline described earlier does not apply. Rather, under CSU and UC system policies, as well as the 2011 Dear Colleague Letter (2011 DCL) issued by the OCR, the general goal of the informal approach is to reach an agreement with all parties on a remedy that will alleviate the conditions causing the complaint.

Mirroring the 2011 DCL, the CSU policy states that a student bringing a complaint must be notified of the right to end any such informal process at any time. If a resolution is not reached, the university must inform the student about how to file a formal complaint. In cases of sexual violence, the university must advise the student to immediately file a formal complaint because informal resolution is not appropriate when sexual violence is alleged.¹⁸ Moreover, the CSU policy states that the university may determine that circumstances warrant initiating a formal investigation independent of the intent and wishes of the student.

An alternative to the formal resolution of Title IX complaints is an informal approach, which both the CSU and UC systems have. However, under the informal approach, formal investigative reports are not required and the 60-working-day timeline does not apply.

¹⁸ Sexual violence is defined in the CSU policy as a form of sexual harassment meaning physical sexual acts (such as unwelcome touching, sexual assault or battery, and rape) perpetrated against a student without consent or against a student who is incapable of giving consent due to age, disability, or use of drugs or alcohol.

The UC policy states that UC encourages early resolution and that the parties' participation in the early resolution process is voluntary. According to the policy, early resolution may include an inquiry into the facts, but does not typically include a full investigation, and early resolution options include mediating an agreement between the parties, referring the parties to counseling, or targeted educational programs, among others. The policy states that some reports of sexual harassment and sexual violence may not be appropriate for early resolution, and that the Title IX officer has the discretion to make this determination. The policy mentions that in cases where early resolution is inappropriate or in cases where early resolution is unsuccessful, a formal investigation may be conducted. In contrast to the CSU policy, the UC policy states that, although the complainant may ask for a formal investigation, the request of the complainant will be considered but is not determinative in the decision to initiate a formal investigation, though such requests will be taken into account. In our view, the discretion within the UC policy to not initiate a formal investigation when requested to do so does not align with instructions in the 2011 DCL, which indicate that the complainant must be notified of the right to end the informal process at any time.

Another difference between the CSU and UC policies involves a complainant's right to appeal the outcomes of the informal and formal processes. The policy established by the CSU system in 2012 allows any complainant who is not satisfied with the determination made through a formal process to file an appeal. The policy adds that if a resolution is reached by informal means, the matter shall be considered closed and the student is precluded from filing an appeal, with limited exceptions. As indicated earlier, the goal of the informal approach is to reach mutual agreement, and the complainant can opt out of the CSU informal process at any time. The UC system policy states that a complainant may file a grievance alleging that actions taken in response to a report of sexual harassment or sexual violence did not follow university policy. This policy, which essentially requires an appeals process, does not allow the filing of grievances against the sanctions imposed on the respondent, but does indicate that these grievances can be filed for both formal and early resolutions.

Information provided by three of the universities we reviewed indicates that they used an informal or early resolution process to resolve a majority of student Title IX complaints.

Information provided by three of the universities we reviewed indicates that they used an informal or early resolution process to resolve a majority of student Title IX complaints. According to officials at Chico State, the university resolves a majority of its cases through an informal resolution process. Information provided by Chico State indicates that it resolved roughly 80 percent of cases through the informal process since 2012, when it began categorizing resolutions as informal or formal. At UC Berkeley, the Title IX officer is tasked with reviewing all incidents of sexual harassment

and sexual violence and forwarding findings to the university's Center for Student Conduct, which is responsible for imposing discipline. Based on information provided by the Title IX officer for our five-year review period, UC Berkeley resolved 76 percent of Title IX complaints from students using the early resolution process. Finally, UCLA uses the early resolution process only when the accused student accepts responsibility for violating the university's conduct code, and based on information provided by the university for our five-year review period, it resolved 58 percent of its complaints using the early resolution process. Conversely, based on information provided by officials at San Diego State since 2012, when it began categorizing resolutions as informal or formal, the university formally resolved roughly 54 percent of its cases.¹⁹

Because there are significant procedural differences between the formal and informal processes for resolving complaints, the universities need to ensure that they clearly communicate to complainants these key differences. As the next section describes, this communication has not consistently occurred or has not consistently been documented. Further, Title IX coordinators in the UC system, who appear to have more discretion in deciding which process to use than their counterparts in the CSU system, need to be careful to use the early resolution process in the spirit in which it was intended. In particular, if a UC Title IX coordinator decides that an early resolution approach is best in a particular circumstance, the coordinator needs to engage complainants in ongoing communication to attempt to achieve a mutually agreeable resolution. Using an informal approach that involves no substantive communication with complainants is not, in our view, consistent with federal guidance.²⁰ We found this very condition in one early resolution case at UC Berkeley, which we describe in greater detail later in this chapter. UC Berkeley's Title IX officer acknowledged, in hindsight, that this case could have been handled better by either conducting a formal investigation or better engaging the complainants in the early resolution process. However, at the system level, UC may be able to prevent similar occurrences if it clarifies in its policies that early resolution is effective and appropriate only if it involves ongoing communication with all parties in a valid attempt to achieve a mutually agreeable resolution.

Because there are significant procedural differences between the formal and informal processes for resolving complaints, the universities need to ensure that they clearly communicate to complainants these key differences.

¹⁹ According to information provided by San Diego State, the university has processed 13 Title IX complaints since 2012.

²⁰ In its 2011 DCL, the OCR acknowledges that some complaints can be resolved using an informal process, but the descriptions used in the guidance reflect a structured form of mediation that, when used appropriately, would require the university to have ongoing communication with complainants.

For the 29 incidents in which students participating in our survey reported seeking services or assistance from campus resources, students responded that in only three instances was the process for filing a Title IX complaint clearly explained.

The Universities Could Not Demonstrate That Students Are Adequately Informed of What to Expect From the Complaint Process

In light of concerns raised by students that they are not being adequately informed of their campus's processes for responding to sexual harassment, university management should do more to ensure that campus officials are informing students who come to them with complaints regarding sexual harassment of their reporting options and what to expect regarding the university's subsequent actions. We conducted a survey of students at the four universities we reviewed and interviewed some student advocacy groups. A student advocacy group at UC Berkeley expressed concerns about the adequacy of information provided to students regarding what to expect from the complaint process. In addition, of the 208 students who participated in our survey, 73 stated that they had experienced an incident of sexual harassment (including sexual violence) by another member of the campus community. In some cases, students stated that they had experienced multiple incidents. Of the 85 incidents they reported, the students stated that they sought services or assistance from the resources available on campus for 29. They also indicated that the process for filing a Title IX complaint was not clearly explained to them for 21 of these 29 incidents. Students responded that in only three instances was the process clearly explained.²¹

The 2011 DCL clarified the expectations of the OCR, indicating that universities should inform a student reporting a Title IX violation of the complaint process, the right to convert to a formal process at any time, prohibitions on retaliation toward a student filing a complaint, and how to report any subsequent retaliatory harassment. It also indicated that universities should obtain consent from the complainant before beginning an investigation into an incident. Both the CSU and UC systems have policies prohibiting retaliation and requiring campus officials to inform students about the complaint process. Specifically, the CSU system policy for responding to complaints of sexual harassment requires a university official to meet with the student filing the complaint for an intake interview in which the official is to acquaint the student with the investigation procedure, inform the student of her or his rights during the complaint process, and discuss interim remedies and protections, among other topics. Similarly, the UC policy on sexual harassment requires university officials investigating the complaint to inform students making reports of sexual harassment about the options for resolving potential violations of university policy, including the range of possible outcomes, interim remedies and protections, and disciplinary actions that might be taken against the accused, among other topics.

²¹ In the remaining five instances, the student could not recall whether the process was clearly explained.

Despite such guidance, we found no requirement at the federal, state, or university level requiring campus officials to document that this information was appropriately shared. Nevertheless, we believe that maintaining documentation is a necessary practice to demonstrate that the universities followed the guidance. In our review of complaint files, we found that because they did not routinely maintain documentation, all four universities were unable to demonstrate that they consistently informed students of what to expect as the university investigated their complaints and how to report retaliatory harassment. We found only 21 of the 80 cases had documentation demonstrating that the university informed complainants of the process.

During our review of 20 case files from each university, we found occasional handwritten notes from intake interviews or references in e-mail to discussions with students regarding the complaint process, indicating that this information was provided to the students. For instance, in some case files UCLA officials noted their explanations to students about the complaint and investigation process. However, university officials were not consistent in this practice, and none of the four universities maintained documentation showing exactly what they discussed with students. According to officials at each university, they discuss the complaint process with each student complainant, but they agreed that they do not routinely document those efforts in the case files. The deputy Title IX coordinator at San Diego State indicated that the purpose of the initial meeting between the university and student is to discuss the complaint process and inform the student of his or her options moving forward. Officials at each university indicated that they provide the information regarding resources and the complaint process during an initial meeting with the complainant. However, officials at UC Berkeley and Chico State expressed concerns that providing too much information or paperwork throughout the process may overwhelm the student bringing the complaint and deter him or her from moving forward.

Although we agree that it is important to create a comfortable environment for the student complainant to discuss an incident without the burden of informational paperwork, the universities should develop a uniform mechanism for having and documenting the content of these discussions to ensure that students are adequately informed of their options. Without this documentation, university management has limited ability to ensure that campus officials are sharing appropriate information and satisfying other legal obligations and, in the event that their compliance with Title IX is challenged, to demonstrate that compliance.

Although three of the universities have taken steps to document their efforts to explain aspects of the complaint process to students, they could do more. For example, the deputy Title IX coordinator

The universities should develop a uniform mechanism for having and documenting the content of discussions with students to ensure that they are adequately informed of their options.

at San Diego State uses a one-page document, which we found in some case files, containing relevant points of the complaint process to be used when members of her staff interview accused students. Similarly, some of the case files at Chico State contained a document signed by the accused student indicating that he or she had received information regarding the complaint process. Although these documents demonstrate that the universities attempted to inform the accused students of the complaint process, the universities do not maintain documents to demonstrate that similar information is routinely provided to the complainant.

According to an assistant dean of students at UCLA, the university implemented a documented checklist approach in 2012 to ensure that its officials explain, among other things, the complaint process, students' rights and responsibilities, and the resources available for students when university officials first meet with complainants and respondents. However, the assistant dean of students stated that the university gives this checklist to the complainants and respondents, rather than keeping it in the case file. As a result, the case files we reviewed did not contain these checklists. According to the assistant dean of students, following our discussion with the university in March 2014, the university is now retaining within the case file a copy of the checklist signed by the complainant and respondent.

Although UC Berkeley, Chico State, and San Diego State have not developed routine processes for documenting discussions with students bringing the complaints, they agree that something should be done to ensure that complainants are more knowledgeable about the complaint process.

Although UC Berkeley, Chico State, and San Diego State have not developed routine processes for documenting discussions with students bringing the complaints, they agree that something should be done to ensure that complainants are more knowledgeable about the complaint process. As indicated in the Introduction, the passage of the Violence Against Women Reauthorization Act of 2013 (Reauthorization Act) amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to include additional provisions, which took effect March 2014. One new requirement under the Reauthorization Act is that universities provide students who have been subjected to sexual assault, domestic or dating violence, or stalking with written information regarding their rights and options and a description of applicable university processes. The distribution of these documents, which would be required only for students experiencing sexual violence, and not necessarily other forms of sexual harassment, could be provided to all complainants generally and should be documented in university case files. The universities can also employ a checklist approach for items they want to cover verbally. For example, while discussing the student's concerns, university officials could explain the complaint process by following a list of items that covers basic information and include a copy of this document, as well as notes regarding the student's additional questions regarding the process, within the case file. This checklist

could include an overview of the university's sexual harassment policy and descriptions of the investigation process, possible outcomes, relevant timelines, the legal standard that must be applied to the investigation, how to report retaliatory harassment, confidentiality and privacy issues, available resources, and notification of case status updates and outcomes. By consistently sharing this information in writing, universities can help the students become more knowledgeable about the process and offer them reassurance that their concerns are being addressed.

The Universities Did Not Consistently Keep Complainants and Respondents Informed About the Status of Their Investigations

University officials did not consistently follow federal recommendations that they provide regular updates on the status of their investigations to students filing or responding to allegations. According to 2001 guidance from the OCR, it is a good practice for universities to periodically update students who have reported alleged sexual harassment about the status of the investigation. The OCR reinforced this instruction in its 2011 DCL, stating that both the complainant and the respondent should be given periodic status updates. However, we found no requirement at the federal, state, or university level requiring campus officials to document that they provided these updates. Consequently, we did not find that the universities rigorously retained evidence of ongoing communications with students involved in a complaint. Additionally, unlike the need to inform students of the investigatory process, formal status updates are not applicable to every case, particularly those resolved in a collaborative or timely manner.²² However, for complaint resolutions that dragged on past established time frames, and for resolutions that should have involved ongoing dialogue with all parties, we expected to see, and at times could not find, some sort of status update provided to the students involved.

For example, we examined one case at UC Berkeley in which multiple complainants met with university officials to discuss a series of alleged sexual harassment or sexual assault incidents involving one respondent. The Title IX officer conducted an inquiry into the allegations and, after five months, concluded that the matter had been resolved using the early resolution process, primarily because the respondent worked with university officials at the Center for Student Conduct to use rehabilitative resources such as counseling, appeared to be credible in his description of remorse, and had removed himself from meetings and events

We did not find that the universities rigorously retained evidence of ongoing communications with students involved in a complaint.

²² As described later in this chapter, the standard for the timely completion of investigations within the UC and CSU systems is 60 working days.

where the complainants might be present. Additionally, we saw evidence that university officials took certain interim actions. For example, university officials met with a program coordinator who oversaw a summer program in which the respondent participated to ensure that the program was taking the proper steps to orient and educate students about conduct expectations, among other actions. The Title IX officer informed the complainants of the decision more than two months after this conclusion was reached, and almost eight months after the allegations were first brought to the attention of the university. We saw no indication in the case file that university officials provided any updates to the complainants, including that the complaint would be handled using the early resolution process. According to the Title IX officer, her office chose not to speak with the respondent until he returned to campus in the fall from out of state, resulting in a delay in the investigation process. The Title IX officer acknowledged that her office did not maintain routine communication with the complainants throughout the process and that, in hindsight, the university may have approached the issues differently by conducting a formal investigation.

At UCLA we found some instances in which complaint resolution exceeded established timelines, but extensions to the timelines were granted by the appropriate official. Even so, we did not see updates to the complainants regarding these extensions. According to an assistant dean of students, staff may have verbally updated students regarding extensions, but it is not routine practice for the university to inform the complainant or respondent of its request to the vice chancellor's office for an extension of the 60-working-day timeline or to provide updates on case status to the parties in writing. Although we believe informing complainants of extensions is important, we also acknowledge that UCLA's resolution process often involves formal hearings and that the scheduling of these formal hearings is a form of status update to complainants and respondents. According to the assistant dean, the office will look into documenting any status updates in the parties' files moving forward.

We also reviewed two case files from Chico State in which the university did not provide status updates for matters that took longer than 60 working days to resolve. In one 2009 case, the complainant—after waiting more than 80 working days from her initial complaint—had to reach out to the university to determine the status of the case and whether it was resolved. According to Chico State's deputy Title IX coordinator, the university resolved this case before current staff were involved, so the university could not provide a perspective on the timeline and informing the student. In response to a 2012 case that had similar delays but no documented updates to the complainant, the deputy Title IX coordinator stated that several factors, including staff turnover and winter break, contributed to the conditions we observed.

In one 2009 case from Chico State, the complainant—after waiting more than 80 working days from her initial complaint—had to reach out to the university to determine the status of the case and whether it was resolved.

When universities do not provide regular updates on their investigations, they are not meeting the needs of their students. Students who experience sexual harassment or sexual violence may experience residual feelings of stress or fear, even if the danger is no longer imminent, and periodic status updates may help reduce this anxiety by assuring complainants that their concerns are being taken seriously and that the process is proceeding to a definitive outcome.

The Universities Could Not Demonstrate That They Notified All Parties of Case Outcomes

The universities often do not adequately document the notice they should provide to the student complainant regarding the resolution of the complaint. The Clery Act requires that both the complainant and accused be informed of the outcome of any campus disciplinary proceeding involving a sexual assault allegation. Further, federal regulations require the universities to publish procedures for the prompt and equitable resolution of sexual harassment and sexual violence complaints. In its 2001 guidance, the OCR identified a number of elements in evaluating whether procedures are prompt and equitable, including whether the procedures provide for notice to the parties of the outcome of the complaint. In the 2011 DCL, the OCR emphasized that complying with these elements, including providing this notice to the parties, is critical to achieve compliance with Title IX and stated that both parties must be notified in writing. We found that many of the 80 case files we reviewed contained evidence that the accused was notified of the discipline imposed for violating the university's code of conduct. However, 48 case files did not contain documentary evidence that the students bringing the complaint were informed of the outcome of the investigation.

According to officials at UC Berkeley, San Diego State, and Chico State, prior to the 2011 DCL, they did not notify all student complainants of the outcome of an investigation and the subsequent disciplinary action against the accused because they believed university policies did not allow disclosure of outcomes to all complainants and they also believed such information sharing about a student's educational record could have violated the Family and Educational Reporting Privacy Act (FERPA). FERPA provides certain privacy protections for students' educational records. The 2011 DCL acknowledged that the intersection of Title IX and FERPA requirements may have caused confusion regarding what information a school may disclose to complainants. However, the OCR made clear in the 2011 DCL its longstanding position that FERPA privacy protections do not change the existing obligation under Title IX regulations to notify complainants about

We found that 48 of the 80 case files we reviewed did not contain documentary evidence that the students bringing the complaint were informed of the outcome of the investigation.

investigation outcomes, as well as sanctions that directly affect the harassed students. In addition, the OCR's 2001 Title IX guidance clearly reflects the U.S. DOE's determination that FERPA does not conflict with the Title IX requirement that the school notify the complainant of the outcome of its investigation, such as whether or not the harassment was found to have occurred, because this information directly relates to the complainant.

In February 2014 the UC system updated its sexual harassment and sexual violence policy to state that when an offense involves a crime of violence or a nonforcible sex offense, FERPA permits a university to disclose to the complainant the final results of a disciplinary proceeding against the accused, regardless of whether the university concluded that a violation was committed. Additionally, UC Berkeley and UCLA officials have attempted to improve their documentation of communication with complainants. University officials at UC Berkeley and UCLA stated that communication with the complainant took place either via telephone or in person and was not consistently documented. University officials at UC Berkeley added that the case files contain information pertaining to the incident and the adjudication process of the case for the responding student, as the process is specific to the responding student. As a result, the universities did not routinely maintain correspondence with the student bringing the complaint, such as letters regarding the outcome. In an effort to better document their communication with the complainant, UCLA and UC Berkeley began creating separate files for the complainant in 2010 and 2013, respectively. Although UC Berkeley's change is too recent for us to see an impact, we found that many of UCLA's complainant files after 2010 did not contain evidence of notifications of outcomes.

Although UCLA has attempted to improve its documentation of communication with complainants, we found that many of UCLA's complainant files after 2010 did not contain evidence of notifications of outcomes.

In 2012 CSU updated its student conduct procedures in response to the 2011 DCL and included more specific language regarding notification of outcomes. The revised procedures state that in cases involving crimes of violence, both the complainant and the student charged shall be informed of the final results of the hearing in writing. Further, the university may also notify any other alleged victim of the final results, regardless of whether or not the charges are sustained. In cases involving harassment without crimes of violence, a similar notice will be issued, but the information given to the complainant concerning sanctions is to be limited to any violations found to have been committed and any sanctions that relate directly to them.

San Diego State and Chico State maintain separate files for the complainant with the intent to document correspondence, such as letters regarding the outcome of the investigation. San Diego State has maintained separate files for complainants since the issuance of the 2011 DCL and subsequent CSU systemwide policy update.

However, through our review of their case files that were handled after these new procedures were adopted, we determined that half of the cases still contained no evidence that the complainant received notification regarding the outcome of the investigation. Chico State has maintained separate files for the complainant for the duration of our audit period. Officials at Chico State indicated that, for cases resolved informally or occurring before 2012, they discuss the outcome of the investigation with the student bringing the complaint but have not routinely documented the content of these discussions, and that they are actively working to maintain better documentation in their files. Chico State officials noted that since 2012, complainants filing a formal complaint are notified in writing of the outcome. However, to demonstrate that all complainants are notified of outcomes, Chico State should also document its notification of the outcome in informal cases.

The Universities Need to Improve the Timeliness of Their Investigations

The universities we reviewed did not consistently complete investigations in a timely manner. Title IX regulations require that the universities adopt and publish procedures providing for the prompt and fair resolution of Title IX violations. According to the 2011 DCL, university policies should specify the time frame within which a full investigation of the complaint will be conducted, as well as the process for extending deadlines. The 2011 DCL states that a typical investigation takes approximately 60 calendar days following receipt of the complaint, although the complexity of the investigation and other factors can cause it to vary. The CSU system's policy states that a formal complaint requires the university to complete and submit a formal investigation report to the Title IX coordinator within 60 working days of the initial intake interview, unless university officials approve an extension to this timeline, in which case the prolonged time frame can be no more than 30 working days from the original due date. In a similar manner, the UC system policy states that a formal investigation should be completed within 60 working days in most cases and allows for approval of timeline extensions.²³ However, the UC policy does not restrict how long these extensions can be. When we analyzed the timeliness of investigations for both UC and CSU universities, we used the CSU standard of 30 working days for any approved extension. As previously stated, timeline requirements do not apply to complaints handled informally. Even so, the purpose of using the informal approach is to resolve concerns at the earliest stage

University policies should specify the time frame within which a full investigation of the complaint will be conducted, as well as the process for extending deadlines.

²³ We recognize that the 60 calendar days referred to in the 2011 DCL as the typical time frame for an investigation is shorter than the 60 working days established by CSU and UC policy. However, we believe—given the wording of the 2011 DCL—that the CSU and UC policy is a reasonable standard of timeliness.

possible in a quick and effective manner. Consequently, to analyze the timeliness of informal resolution of complaints, we applied the timeline requirements related to complaints handled formally.

As indicated in Table 7, each university had investigations that were not completed in a timely manner, as previously defined. Of the 20 case files we reviewed at each university, San Diego State completed 15 investigations within 60 working days, or within 90 working days if the university officials approved an extension. This was true for 14 investigations at Chico State and for 12 and 11 investigations at UCLA and UC Berkeley, respectively. Twenty-five investigations were not completed within the required time frame; however, we determined that the causes for the delays for 14 of these were reasonable. Such delays were frequently caused by the complainant or respondent being away from the university due to school breaks and holidays. UCLA did not complete five investigations on time (without a reasonable cause for the delay), and four of these took more than 100 working days to complete. Most of the cases we reviewed at UCLA were resolved with a formal administrative hearing. At UCLA, a determination of whether a violation has occurred is typically not made until the formal hearing. In contrast, at UC Berkeley, this determination is made by the Title IX coordinator in an investigative report, and a formal hearing for determining sanctions happens later in the process. Thus, the results shown in Table 7 for UC Berkeley do not reflect the additional time it took to determine sanctions.

Table 7
Time Frames for Completion of Investigations

RESULTS OF OUR REVIEW	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	CALIFORNIA STATE UNIVERSITY, CHICO	SAN DIEGO STATE UNIVERSITY	TOTAL
Completed on time*	11	12	14	15	52
Not completed on time, but delays were reasonable†	4	3	2	5	14
Not completed on time	4	5	2	0	11
Not applicable: university did not complete an investigation‡	1	0	2	0	3
Total investigations reviewed	20	20	20	20	80

Source: California State Auditor's review of 20 case files at each of the four universities we visited.

* These results are based on a 60-working-day time frame, unless there was an approved extension, in which case we applied a 90-working-day time frame.

† Reasons for delays include working around student vacation schedules, delays resulting from concurrent criminal investigations, and delays in complainants providing additional information necessary to proceed with the investigation.

‡ In two of these instances, the complainant decided to not pursue the case further. In one instance at Chico State, the university simply did not bring the case to any sort of resolution. We discuss this case in the next section.

In our review of the files at the universities, it was not always clear when a complaint was officially filed with the university, when an investigation began, and when exactly the investigation ended. Consequently, in some instances, we could determine only a range for how long an investigation took. In these instances, we designated a case as untimely only if the full range fell outside of the 60-working-day standard. To better track whether they are resolving cases in a timely manner, the universities need to ensure that their case files clearly indicate when a complaint was received, when an investigation began, and when the investigation was completed.

Three of the four universities we reviewed agreed that they did not regularly evaluate the timeliness of investigations in a systematic manner. Both UC Berkeley and Chico State said that they are open to doing so in the future. According to a deputy Title IX coordinator at San Diego State, staff do not regularly perform this type of monitoring because it has not had cases extend beyond required timelines in at least the last five years. As indicated in Table 7, 15 of the 20 cases we reviewed at San Diego State were within required timelines, and the remaining five appeared to have reasonable delays. However, we believe that monitoring its efforts to resolve its cases promptly would still be a good practice for this university. UCLA's Office of the Dean of Students stated that it evaluates data from reports that it generates through its student conduct database on a periodic basis to compare the time it takes to resolve all of its cases against required timelines. In addition, UCLA provided an excerpt from an annual report on student conduct that included descriptions of the length of time student conduct was taking to resolve cases, described some reasons for delays, and demonstrated that UCLA is analyzing its data and is considering additional ways to resolve cases promptly. Nevertheless, our review indicated that UCLA did not always complete investigations in a timely manner.

Three of the four universities we reviewed agreed that they did not regularly evaluate the timeliness of investigations in a systematic manner.

The Universities Generally Brought Incidents of Sexual Harassment or Sexual Violence to Reasonable Resolution

Although at times untimely and without sufficient communication with complainants, as described earlier, the universities generally brought the complaints of sexual harassment or sexual violence we reviewed to an end resolution, including any sanctions when applicable, that appeared reasonable given the facts. Federal guidance establishes a framework for educational institutions to achieve compliance with Title IX, although the universities retain discretion over the disciplinary measures they impose on violators of their sexual harassment policies and codes of conduct. The universities we reviewed imposed sanctions based on a variety of

factors, including the type of activity giving rise to the incident, the respondent's disciplinary history, and the respondent's threat to campus safety.

The types of discipline that the universities imposed ranged from educational and remedial sanctions to expulsion, depending on severity of the complaint. For example, for less severe incidents of sexual harassment, the universities took a more rehabilitative approach by requiring the respondents to complete counseling and write a reflective paper to acknowledge their behavior, describe how it affected the complainant, and indicate how they will make decisions differently moving forward. For more severe incidents involving unwelcome sexual advances or contact, the universities required the respondents to complete counseling and write a reflective paper, and placed them on probationary status or suspended them for a specific period of time to reinforce the seriousness of the offense. Finally, for the most severe incidents involving violence or multiple incidents of physically aggressive sexual behavior, the universities generally imposed punitive, long-term suspensions to protect the complainants' interests or, in some cases, expelled the respondents to preserve campus safety.

As described in previous sections, we noted a number of concerns with the timeliness of investigations, with the limited information shared with complainants, and, in one instance at UC Berkeley, with the inappropriate use of the informal approach. These concerns notwithstanding, we found only two instances in our review of 80 cases in which the resolution of the case, including any sanctions imposed, appeared inappropriate or otherwise unreasonable. Both of these cases were at Chico State. In the first instance, which involved a 2011 allegation of sexual assault against a Chico State student, the university made little documented effort to investigate the incident, did not complete a formal investigation, and issued no sanctions or other type of resolution to the complaint. Given the seriousness of the allegation and the complainant's willingness to provide a written statement naming the accused, we identified no reason why the university did not pursue the matter further.

Chico State's Title IX coordinator explained that the investigator for this case no longer works for the university. Therefore, this person is not available to provide perspective. However, the coordinator acknowledged that the complainant's file included a notation indicating that the complainant did not wish to pursue charges, which campus officials interpreted to mean the complainant did not wish to pursue disciplinary action against the accused. The coordinator stated that before the implementation of the 2012 CSU policy, the campus practice was to defer to the complainant's wishes in determining whether to charge a student with a violation.

We found only two instances—both at Chico State—in which the resolution of the case, including any sanctions imposed, appeared inappropriate or otherwise unreasonable.

He added that, under the 2012 CSU policies and due to the severity of the incident, the university would have pursued a formal investigation regardless of whether a formal complaint was lodged.

In the second instance, which involved a 2012 sexual assault against a Chico State student, the university resolved the case without a formal hearing and imposed a sanction of only suspension for just under one year. Suspensions that are less than one year do not stay on a student's permanent record. This sanction was not consistent with sanctions imposed for similar incidents, with equivalent levels of available evidence, at other universities. The university stated that there were a number of factors that ultimately led to the chosen sanction, most notably the respondent's willingness to accept the sanction and the complainant's preference regarding the outcome of the case. We agree that the case file indicates that the complainant was initially reluctant to file a formal complaint and said at the time that she did not want the respondent expelled from the university. However, the case file also indicates that 10 months later the complainant decided to file a formal complaint, said that she would provide additional detail as necessary, and made no mention of a desired outcome. Moreover, given that the allegation was sexual assault, any form of mediation, which would consider the complainant's desired outcome, would not have been appropriate, per the 2011 DCL and CSU policy.

The Universities Need to Evaluate Summary Data Regarding Sexual Harassment and Sexual Violence to Better Inform Their Outreach and Prevention Efforts

To better serve their students, the universities we reviewed need to track and summarize all reported student incidents of sexual harassment and sexual violence in one location, so that they have complete data to evaluate. However, they have not done so. According to the 2011 DCL, under Title IX if a school knows or reasonably should know about harassment that creates a hostile environment, it must take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The DCL also states that "in addition to ensuring full compliance with Title IX, schools should take proactive measures to prevent sexual harassment and violence." The examples in the DCL include student outreach and training of students and staff—subjects covered in Chapter 1. To ensure that its outreach and training are appropriately targeted, we believe universities need to routinely track and evaluate the number and nature of incidents of sexual harassment and sexual violence that occur on campus to identify trends specific to the demographics, as well as the timing, location, and frequency of incidents. A review of prevention strategies for reducing sexual violence prepared for the White House Task Force to Protect

We believe universities need to routinely track and evaluate the number and nature of sexual harassment and sexual violence incidences occurring on campus to identify trends specific to the demographics, timing, location, and frequency of incidents.

Students From Sexual Assault in April 2014 similarly concluded that universities need to use this type of data to inform their selection of prevention strategies that best address the needs of students and to identify key risk indicators.

Currently, various departments on campus, including student conduct offices, police, student health centers, counseling centers, and ombudsperson offices, separately track the number of incidents of sexual harassment and sexual violence reported to them.

Although the Clery Act requires sex offense crimes to be reported in an annual security report, incidents of sexual harassment are not included in the annual report. As described in the Introduction, students may report incidents of sexual harassment and sexual violence to various university-designated staff and officials in different departments located throughout the campus. Because these departments serve different functions at the university, the details of the incident report may not be shared beyond the department receiving the report. For example, a student could report an incident of sexual harassment or sexual violence to the university police department to pursue the matter in a criminal capacity, request that the information remain confidential, and not pursue an administrative complaint against the alleged perpetrator through the university. Similarly, students can report incidents to either the counseling center or the ombudsperson office, departments that are bound by confidential reporting obligations. Although these departments maintain their own statistics for the incidents of sexual harassment and sexual violence reported to them, no one department aggregates the data. As a result, several departments may each have information on a portion of these incidents, but no aggregated data are available for analysis.

As a result of this lack of aggregated data, we were unable to develop a clear picture of the total number of complaints at each of the four universities during our audit period. We attempted to determine the number of reported incidents of sexual harassment and sexual violence at each university by obtaining the number of incidents involving students from the various departments that receive such complaints and correlating them to eliminate duplicates. However, differences in the way the complaints were recorded made reconciliation impossible. University departments track cases by student code violations such as disorderly conduct and sexual harassment; however, universities do not have a unique identifier that all departments on campus can use to report an incident of sexual harassment or sexual violence. Because some university police departments track cases by penal codes and other departments do not, there was no clear way to reconcile the number of incidents. Table 8 shows the number of incidents of sexual harassment and sexual violence identified by relevant departments at each university, as reported to us by those departments.

Table 8
Number of Student-Related Sexual Harassment or Sexual Violence Complaints by Department at Each University From 2009 Through 2013

	STUDENT COMPLAINTS HANDLED BY THE OFFICE THAT OVERSEES STUDENT CONDUCT	STUDENT COMPLAINTS INVOLVING FACULTY AND STAFF HANDLED BY OTHER OFFICES	STUDENT COMPLAINTS RECEIVED BY THE UNIVERSITY POLICE DEPARTMENT*
University of California, Berkeley	49	120 [†]	72
University of California, Los Angeles	41	90 [‡]	123
California State University, Chico	91 [§]	NA [§]	34
San Diego State University	50	13	73

Sources: Unaudited Information reported to us by various departments at the four universities.

Note: The subtotals for each university in this table may be duplicative. For example, the 49 complaints in the University of California, Berkeley's student conduct office may also be included in the 120 total complaints tallied by its Title IX office.

NA = Not applicable.

* The data provided did not indicate whether the incident was investigated, resolved, or still pending.

† This number represents the student complaints the Title IX officer handled that were against faculty, staff, and students.

‡ There are two separate offices (one for staff and one for faculty) that handle Title IX complaints at the University of California, Los Angeles.

§ The office that oversees student conduct handles all Title IX complaints involving students.

To maximize the effectiveness of outreach efforts, it is critical that each department routinely provide its data to one department, specifically, the department in which the Title IX coordinator resides. The summarized information should be shared, consistent with any applicable legal restrictions, so that the university can identify trends. The universities contend that this information is shared informally among relevant department heads at periodic meetings, and without great detail because of confidentiality issues. However, if one department were to aggregate the data, without names or other identifying information, the statistics presented to the group would not breach confidentiality. The universities' current method of reviewing data is not an effective use of the information because it is difficult to consistently track and identify trends when the sharing of information is informal and inconsistent. Further, the meetings at which some of these discussions occur take a retrospective view of individual events, and no data are compiled or trended. The information that each university collects and aggregates should be shared in that university's multidisciplinary committee, which we discuss in the next section.

Universities Need to Take a More Coordinated Approach to Help Ensure That They Identify Ways to Improve Their Processes and Prevent Incidents of Sexual Harassment and Sexual Violence

As discussed in the previous section, under Title IX if a school knows or reasonably should know about harassment that creates a hostile environment, the school must take immediate action to eliminate the harassment, prevent its recurrence,

and address its effects. One way to help meet this obligation is through multidisciplinary committees. The American College Health Association (association) recommends as a best practice that universities develop a multidisciplinary task force, including participants such as high-level campus administrators, academic leaders, and student leaders, to address sexual harassment and sexual violence prevention and response services.

Although the universities we reviewed had various committees during our audit period, until recently only one—UCLA—had created a multidisciplinary committee as envisioned by the association. According to university officials at UC Berkeley, the university established a case coordination committee that has sought to evaluate the status of ongoing cases, determine whether support services have been provided to the complainants and respondents, and identify any case-specific challenges that need to be addressed, among other things, since before our five-year review period began. However, because of the confidential nature of the information discussed in these case coordination committee meetings, students and academic leaders are not included. Further, the committee has not focused on making changes to university policy. According to university officials, from 2009 through 2013 Chico State and San Diego State also had committees that identify and monitor students who display behavior that may indicate an imminent threat to themselves or the university community, and they continue to operate these committees. However, they each lacked a proactive, multidisciplinary committee that could improve how incidents of sexual harassment and sexual violence are handled, mitigate their future occurrence, and better deliver education on sexual harassment and sexual violence to faculty, staff, and students.

Until recently, three of the four universities we reviewed lacked a multidisciplinary committee to address sexual harassment and sexual violence prevention and response services.

As of May 2014 each of the four universities now has, or expects to soon have, a multidisciplinary committee that includes students, multiple school officials, and faculty that can help strategize improvements to the universities' processes and help identify ways to prevent incidents of sexual harassment and sexual violence. Such a committee also provides student leaders with an avenue for providing input and expressing any concerns students may have, such as concerns regarding the format or content of the education provided to incoming students or the university's process for handling incidents of sexual harassment or sexual violence.

The Campus Coordinated Response Team (CCRT), which is a multidisciplinary committee at UCLA, has been in place since fall 2009 and meets quarterly during the academic year to develop and enhance a response to violence against women on campus that is intended to be timely, appropriate, sensitive, and respectful to victims' needs and hold offenders accountable. The CCRT reviews protocols, policies, and procedures associated with sexual

violence prevention and response, and provides opportunities for cross-training among members on resources, initiatives, and events to prevent gender-based violence. Members of the committee include high-level campus administration and student groups, as well as some in student affairs leadership roles who have joint faculty appointments. In addition to this committee, UCLA has various other committees that discuss sexual harassment and sexual violence.

UC Berkeley implemented its Title IX Compliance Advisory Committee in September 2013 with the objectives of advising the chief ethics, risk, and compliance officer and the Title IX officer on the development and implementation of ongoing initiatives to strengthen university efforts to comply with Title IX and other related policy and legal obligations. According to its associate chancellor, UC Berkeley formed this committee after the Associated Students of the University of California passed a “bill of no confidence” in UC Berkeley’s sexual assault policies and disciplinary procedures in April 2013.

CSU issued Executive Order 1072 in April 2012, which identifies the duties of the Title IX coordinator at each university in the CSU system, among other provisions. One of these duties is to create a committee of students and campus officials to identify strategies for ensuring that students know how to identify and report sexual harassment and sexual violence and know what options are available to them. Chico State initiated its Title IX Oversight Committee in September 2013 as a means to ensure that the university is addressing Title IX requirements, to implement best practices for the university community, and to be a clearinghouse for identifying who at the university is responsible for each requirement of Title IX. According to its Title IX coordinator, Chico State established this committee after an administrative meeting revealed a need for a multidisciplinary team to address issues related to implementing Title IX guidance. In addition, Chico State decided to add student representation to the Title IX Oversight Committee in December 2013, after our suggestion that student representation would be beneficial.

As of May 2014 San Diego State was in the process of implementing a Sexual Violence Task Force. This task force plans to review current policies and programs, augment outreach efforts to increase awareness of sexual harassment and violence, and identify new initiatives to strengthen support services and resources available to students who have experienced an incident of sexual harassment or sexual violence. According to the director of counseling and psychological services, who will act as a co-chair of the Sexual Violence Task Force, the decision to form the task force was made because university officials recognized that San Diego State needed to have more coordination between the departments involved in planning preventive educational activities and services for its students.

As of May 2014 San Diego State was in the process of implementing a Sexual Violence Task Force because it recognized the need for more coordination between the departments involved in planning preventive educational activities and services for its students.

Most of the case files we reviewed focused on the university's response to a particular allegation and did not discuss broader campus efforts. However, we did find a case at UC Berkeley that demonstrated the university's efforts to address the impact of incidents that occurred in a residence hall and provides insight into how a multidisciplinary committee might work. Following a series of incidents in which the university determined that multiple people were sexually harassed by one perpetrator, officials from various departments met to review how the university handled the case and to look for ways to improve their collaboration. The officials apparently discussed what went well, what did not, and how the university could balance its obligations to respond to and resolve incidents while satisfying the public's right to know information about the case and the requirements for a fair disciplinary process. The meeting included the perspective of Title IX officials, law enforcement, and campus legal counsel, who discussed the need to conduct specific training, among other topics. Similarly, multidisciplinary committees at each university can regularly evaluate specific cases and identify trends in a strategic effort to modify policy and enhance outreach efforts to help prevent future incidents.

Due to the recent formation of these committees, it is too soon to know what impact they will have on the way the universities deliver education on sexual harassment and sexual violence to students, faculty, and staff; how they handle incidents of sexual harassment or sexual violence; and the measures they take to prevent such incidents in the future. Nonetheless, the formation of these multidisciplinary committees provides the universities an opportunity to address these issues in a coordinated and effective manner. According to the director of counseling and psychological services at UCLA, some of the changes resulting from the CCRT include improving the content of training provided to students, implementing training for student members of fraternities and sororities, and improving the outreach efforts to a subset of the student population on the UCLA campus. However, the director of counseling and psychological services stated that these changes were not documented, as they took place through discussions occurring in an ongoing, iterative fashion in quarterly CCRT meetings, with feedback incorporated and new materials shared for further discussion and refinement over time.

Recommendations

Recommendations to UC's Office of the President

The Office of the President should clarify in the UC policies that a complainant must have and be informed about the right to end the early resolution process at any time and request that his or her complaint be handled under the university's formal process.

The Office of the President should clarify in the UC policies that if a university chooses to use the early resolution process, the Title IX coordinators and other university staff involved in resolving the complaint should have and document ongoing communication with complainants demonstrating their attempts to resolve the matter to mutual agreement of all relevant parties.

The Office of the President should clarify in the UC policies that if university officials approve an extension to an investigative timeline, the extension should be restricted to a single extension of no more than 30 days, except in limited circumstances that are beyond the university's control.

Recommendations to All Universities

All universities should create and use a document to share with students that explains what students should expect from the complaint process. At a minimum, it should include an overview of the university's sexual harassment policy, the investigation process, relevant timelines, the legal standard that must be applied to the investigation, and issues related to confidentiality, as well as expectations regarding notification of case status updates and outcomes.

All universities should ensure that the differences between an informal or early resolution process and a formal investigation process are clearly explained to ensure that students know what to expect from each process. Further, they should explain that students whose cases are being handled under an informal or early resolution process have the right to move to a formal process at any time.

All universities should provide regular updates on the status of their investigations to students filing or responding to complaints. Additionally, the universities should notify the students of the resolution of the complaints. To demonstrate that they took these actions, the universities should maintain appropriate records.

To ensure that the universities conduct investigations as promptly as possible, they should regularly evaluate the timeliness of investigations in a systematic manner and ensure that they complete investigations within established timelines.

To identify ways to better serve their students, all universities should create a summary of student incidents of sexual harassment and sexual violence reported to the various departments on campus. Each university should evaluate its summary data to

identify trends specific to the demographics, as well as the timing, location, and frequency of incidents, to better inform its strategies to protect students and direct its outreach efforts.

University-Specific Recommendations

Chico State should ensure that it fully resolves all complaints that are reported to it and that it imposes appropriate discipline.

San Diego State should implement its Sexual Violence Task Force and ensure that it includes participants such as high-level campus administrators, academic leaders, and student leaders.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the scope section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



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State Auditor

Date: June 24, 2014

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For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.

Appendix

SURVEY RESPONSES FROM UNIVERSITY STUDENTS

Table A beginning on the following page summarizes the responses to an online survey on Title IX of the Education Amendments of 1972 (Title IX), as amended, that we conducted at four universities: California State University, Chico; San Diego State University; University of California, Berkeley; and University of California, Los Angeles. To solicit participants, the universities, at our request, sent their students an e-mail informing them of our audit and describing how to participate in the survey. In total, 208 students submitted a complete survey. The surveys we received cannot be considered as representative of the total student population of the universities. However, we believe they provide important perspective from those students who chose to participate that we would not otherwise have obtained.

We developed questions to learn about students' perspectives on their university's process for handling incidents of sexual harassment and sexual violence. Specifically, the questions solicit student feedback about awareness of campus resources for those who experience sexual harassment or sexual violence, their experiences with reporting incidents, and their recommendations for improving awareness of campus resources and for improving how sexual harassment and sexual violence are handled on campus. In addition, students who had more than one incident were given the option to complete some questions multiple times to describe whether or not they filed Title IX complaints and their experiences when seeking services or assistance from campus resources.

Key Results From Responses Regarding Awareness, Experiences, and Recommendations

- From 2009 through March 2, 2014, 73 students at the four universities reported experiencing 85 incidents of sexual harassment or sexual violence.
- Forty-six of 208 students, or 22 percent, were not aware at all of the resources available on campus if they, or someone they knew, experienced sexual harassment or sexual violence.
- Fifty-nine of 208 students, or 28 percent, were not aware that they could file a complaint, and students did not file a Title IX complaint for 74, or 87 percent, of the 85 incidents of sexual harassment or sexual violence they experienced.

- Seven of 29 students, or 24 percent, felt encouraged to file a Title IX complaint when they sought campus assistance or resources, while 14, or nearly half of the students, felt discouraged or received inconsistent messages about filing a Title IX complaint.
- Overall, most students did not have a recommendation. Those students with recommendations stated that the campus resources should have an improved attitude toward victims when they report incidents and recommended better training for university resources, such as faculty and campus police, in addition to better education for students and increased punishments.

Table A
Survey Results From the Universities

Questions 1 Through 4

These are confidentiality and verification questions (such as name, unique identifier, and university).

Background

5. Please indicate your gender.

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Male	16	13	5	6	40	19%
Female	70	38	32	28	168	81
Totals	86	51	37	34	208	100%

6. Please indicate how many years you attended the school indicated above.

YEARS	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
1	18	9	10	7	44	21%
2	17	12	12	15	56	27
3	30	13	6	5	54	26
4	16	11	6	3	36	17
5	1	4	2	1	8	4
6	2	1	0	2	5	2
7	1	1	0	1	3	1
8	0	0	1	0	1	1
9	0	0	0	0	0	0
10	1	0	0	0	1	1
More than 10	0	0	0	0	0	0
Totals	86	51	37	34	208	100%

7. Please select the living arrangement that best describes your housing for the majority of time you have been a student at the university.

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Student housing	32	18	7	5	62	30%
Fraternity housing	0	0	0	0	0	0
Sorority housing	4	1	0	1	6	3
On-campus family housing	2	1	0	0	3	1
Private apartment or residence	41	29	18	24	112	54
Home with parents	1	0	10	3	14	7
Other non-student housing	6	2	2	1	11	5
Totals	86	51	37	34	208	100%

Awareness

8. To what extent are you aware of resources available on campus should you, or someone you know, experience sexual harassment, as previously defined?*

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Completely aware	3	3	4	12	22	11%
Very aware	18	15	5	11	49	23
Somewhat aware	42	23	18	8	91	44
Not aware at all	23	10	10	3	46	22
Totals	86	51	37	34	208	100%

* For the purposes of this survey, we defined sexual harassment as including sexual assault, sexual violence, or any other form of harassment of a sexual manner.

8a. How did you become aware of the resources on campus that can assist you, in the event you, or someone you know, experience sexual harassment? (Select all that apply) (Note: Only students who did not respond that they were "Not aware at all" to Question 8 responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
New student orientation	23	14	8	14	59	36%
Information postings around campus	16	8	6	13	43	27
Campus Web site or e-mail	10	8	11	13	42	26
Resident hall training	14	6	3	6	29	18
Information at a health service center	27	6	5	9	47	29
University police department	12	5	7	15	39	24
University publications (course catalog, bulletins, etc.)	9	6	4	5	24	15
Other	20	25	7	13	65	40

8a.i. What do you believe would be the most effective means of finding out about the available resources on campus that can assist you in the event that you experience sexual harassment? (Select all that apply) (Note: Only students who did not respond that they were "Not aware at all" to Question 8 responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
New student orientation	46	29	15	19	109	67%
Information postings around campus	34	21	19	14	88	54
Campus Web site or e-mail	37	31	14	22	104	64
Resident hall training	35	25	14	15	89	55
Information at a health service center	40	28	15	17	100	62
University police department	23	20	11	16	70	43
University publications (course catalog, bulletins, etc.)	32	21	15	15	83	51
Other	12	9	6	4	31	19

8b. What do you believe would be the most effective means of finding out about the available resources on campus that can assist you in the event that you experience sexual harassment?

Students identified a variety of ways they think their universities can effectively communicate sexual harassment resources if they experience harassment, including by posting information on campus and on university Internet resources, and by communicating information at campus resources, such as health centers.

9. Prior to filling out this survey, were you aware that you could file a complaint with the university reporting sexual harassment that occurs on campus or when participating in affiliated programs or activities?

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Yes	62	39	22	26	149	72%
No	24	12	15	8	59	28
Totals	86	51	37	34	208	100%

Experience With the Process

10. Have you experienced sexual harassment by another member of the campus community while attending the university or participating in any of its affiliated programs or activities?

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Yes	37	16	15	5	73	35%
No	49	35	22	29	135	65
Totals	86	51	37	34	208	100%

10a. How many times have you experienced sexual harassment by another member of the campus community while attending the university or participating in any of its affiliated programs or activities? (Note: Only students who responded "Yes" to Question 10 responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
1	12	5	7	3	27	37%
2	9	6	4	1	20	28
3	3	1	0	0	4	5
4	0	1	0	0	1	1
More than 4	13	3	4	1	21	29
Totals	37	16	15	5	73	100%

June 2014

10b. Please select the living arrangement that best describes your housing during the time of the experience you encountered. (Note: Only students who responded "Yes" to Question 10 could respond to the survey separately for each of the experiences they encountered for up to four sexual harassment experiences. Results of all experiences are summarized here.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Student housing	26	7	7	3	43	51%
Fraternity housing	0	0	0	0	0	0
Sorority housing	4	1	0	0	5	6
On-campus family housing	0	0	0	0	0	0
Private apartment or residence	14	7	6	2	29	34
Home with parents	0	0	3	0	3	3
Other non-student housing	4	1	0	0	5	6
Totals	48	16	16	5	85	100%

10c. In what year did you experience sexual harassment by another member of the campus community? (Note: Only students who responded "Yes" to Question 10 could respond to the survey separately for each of the experiences they encountered for up to four sexual harassment experiences. Results of all experiences are summarized here.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
2014	0	3	1	0	4	5%
2013	21	5	12	4	42	49
2012	13	6	2	1	22	26
2011	5	1	0	0	6	7
2010	5	1	1	0	7	8
2009	4	0	0	0	4	5
Prior to 2009	0	0	0	0	0	0
Totals	48	16	16	5	85	100%

10d. Did you seek out any services or assistance from the resources available on campus, including, but not limited to, help in filing a sexual harassment complaint under Title IX? (Note: Only students who responded "Yes" to Question 10 could respond to the survey separately for each of the experiences they encountered for up to four sexual harassment experiences. Results of all experiences are summarized here.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Yes	15	4	5	5	29	34%
No	33	12	11	0	56	66
Totals	48	16	16	5	85	100%

continued on next page...

10d.i. Please briefly explain why you did not seek out any campus services or assistance.

The most common responses were that students did not seek out any campus services or assistance because they did not know about the services, they did not feel that they would be taken seriously, they felt the university did not care about such incidents, or that it was not worth reporting.

10e. Who did you approach first to seek help? (Note: Only students who responded "Yes" to Question 10d responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Campus police	1	0	1	0	2	7%
Fellow student(s)	4	1	1	1	7	24
Faculty	1	1	1	2	5	17
Staff	2	0	0	1	3	10
Resident advisor	1	0	0	0	1	4
Coach or other athletic staff	0	0	0	0	0	0
Medical staff	1	0	1	0	2	7
Counseling office staff	3	0	1	0	4	14
Title IX officer	0	0	0	0	0	0
Student conduct/student judicial affairs	0	0	0	0	0	0
Office of the ombudsmen	0	0	0	0	0	0
Women's resource/gender equity center	0	0	0	0	0	0
Other	2	2	0	1	5	17
Totals	15	4	5	5	29	100%

10f. Did the first resource you approached for help inform you of the ability to file a Title IX complaint of sexual harassment?

(Note: Only students who responded "Yes" to Question 10d responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Yes	2	2	3	3	10	34%
No	11	2	1	1	15	52
Do not recall	2	0	1	1	4	14
Totals	15	4	5	5	29	100%

10g. Choose the answer that best fits your interactions with campus personnel when you sought campus assistance or resources. (Note: Only students who responded "Yes" to Question 10d responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
I was encouraged to file a Title IX complaint of sexual harassment.	1	0	2	4	7	24%
I was discouraged from filing a Title IX complaint of sexual harassment.	5	1	1	0	7	24
I felt neither encouraged nor discouraged to file a Title IX complaint of sexual harassment.	7	0	1	0	8	28
I received inconsistent messages from different offices or individuals concerning the filing of a Title IX complaint of sexual harassment.	2	3	1	1	7	24
Totals	15	4	5	5	29	100%

10g.i. Please select the group/groups that you felt encouraged you to file a Title IX complaint of sexual harassment. (Select all that apply) (Note: Only students who responded "Yes" to Question 10d and felt they were encouraged to file a Title IX complaint of sexual harassment responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Campus police	0	0	2	2	4	57%
Fellow student(s)	1	0	0	2	3	43
Faculty	0	0	0	1	1	14
Staff	0	0	0	1	1	14
Resident advisor	0	0	0	0	0	0
Medical staff	0	0	0	1	1	14
Counseling office staff	0	0	0	0	0	0
Title IX officer	0	0	0	0	0	0
Student conduct/student judicial affairs	0	0	1	2	3	43
Office of the ombudsmen	0	0	0	0	0	0
Women's resource/gender equity center	0	0	0	0	0	0
Other	1	0	0	0	1	14

10g.ii. Please select the group/groups that you felt discouraged you from filing a Title IX complaint of sexual harassment. (Select all that apply) (Note: Only students who responded "Yes" to Question 10d and felt they were discouraged from filing a Title IX complaint of sexual harassment responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Campus police	2	0	1	0	3	43%
Fellow student(s)	1	1	1	0	3	43
Faculty	0	0	0	0	0	0
Staff	1	1	0	0	2	29
Resident advisor	1	1	0	0	2	29
Medical staff	2	0	0	0	2	29
Counseling office staff	2	0	0	0	2	29
Title IX officer	3	0	0	0	3	43
Student conduct/student judicial affairs	3	0	0	0	3	43
Office of the ombudsmen	0	0	0	0	0	0
Women's resource/gender equity center	3	0	0	0	3	43
Other	1	1	0	0	2	29

10g.iii. Please describe the inconsistent messages you received. (Note: Only students who responded "Yes" to Question 10d and felt they received inconsistent messages from different offices or individuals concerning the filing of a Title IX complaint of sexual harassment responded to this question.)

The limited number of students who responded to this question stated that different university employees did not consistently indicate the ability to file a complaint, that their resources told them different entities that the student must file the complaint with first, or that they received mixed encouragement in filing a report.

10h. Was the process involved in filing of a Title IX complaint clearly explained to you? (Note: Only students who responded "Yes" to Question 10d responded to this question.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Yes	0	0	1	2	3	10%
No	14	3	2	2	21	73
Do not recall	1	1	2	1	5	17
Totals	15	4	5	5	29	100%

10h.i. What could have been explained better?

Respondents thought that they could have been provided better instructions for how to file a complaint and the overall process for handling a complaint, including the timeline for certain actions.

10i. Did you file a Title IX complaint regarding sexual harassment? (Note: Only students who responded "Yes" to Question 10 could respond to the survey separately for each of the experiences they encountered for up to four sexual harassment experiences. Results of all experiences are summarized here.)

	UNIVERSITY OF CALIFORNIA, BERKELEY	UNIVERSITY OF CALIFORNIA, LOS ANGELES	SAN DIEGO STATE UNIVERSITY	CALIFORNIA STATE UNIVERSITY, CHICO	TOTAL	PERCENTAGE
Yes	7	1	3	0	11	13%
No	41	15	13	5	74	87
Totals	48	16	16	5	85	100%

10i.i. Please explain why you decided not to file a Title IX complaint of sexual harassment.

The most frequent response from students was that they did not know they could file a complaint.

10i.ii. Please describe the positive and/or negative aspects of your experience reporting sexual harassment to campus officials.

The limited number of student responses focused on negative experiences. In general, students stated that the negative experiences were related to delayed university responses and the communication between the victim and the university.

Recommendations**11. Is there anything you believe your university does particularly well in handling incidents of sexual harassment, or at least did particularly well in your experience?**

Nearly 60 percent of students who responded to the question indicated that their university did nothing particularly well. Otherwise, a small number of students with common responses stated that what their university does well includes having empathetic faculty and staff, and providing campus crime alerts.

12. Is there anything you would recommend to improve your university's efforts to make students aware of the campus resources available to them should they experience sexual harassment?

The most common responses among students was that the universities should distribute and visibly post information more frequently and include sexual harassment training as part of orientation. In addition, a small number of graduate students stated that the universities should also make more of an effort to share resource information with them.

13. Is there anything you would recommend to improve the handling of sexual harassment on your campus?

Most students with a common response did not have a recommendation. For students that did have a recommendation, they most frequently stated that campus resources should have an improved attitude toward victims when they report incidents, and that there should be better training for university resources, such as faculty and campus police, in addition to the university having better education for students. A few students also recommended increasing consequences or punishments. Further, although most students did not have a recommendation, some students also indicated concerns about fraternities.

June 2014

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR

BAKERSFIELD

June 4, 2014

CHANNEL ISLANDS

CHICO

Ms. Elaine M. Howle
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

DOMINGUEZ HILLS

EAST BAY

Dear Ms. Howle:

FRESNO

FULLERTON

The California State University (CSU) welcomes the opportunity to respond to the draft audit report of sexual harassment and sexual violence at California universities. We appreciate the time and effort dedicated by the California State Auditor in conducting this important audit.

HUMBOLDT

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

The California State University fully recognizes the critical importance of the issue of sexual harassment and sexual violence on university campuses and, as detailed in the audit, has developed a comprehensive series of policies and procedures, both at the system and the campus level, dedicated to addressing these critical issues. These policies and procedures are regularly reviewed and updated to ensure that they meet legal and regulatory compliance as well as best practices. As part of that regular review process, just this week I issued a series of executive orders in response to the Campus Sexual Violence Elimination Act (the SaVE Act); related guidance from the U.S. Department of Education, Office for Civil Rights, addressing Title IX of the Education Amendments of 1972; and new amendments to the California Fair Employment and Housing Act. These executive orders apply systemwide.

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

Recommendation: The Office of the Chancellor should direct all of the universities within its system to comply with the recommendations in this audit report. Also, to ensure that its universities are complying with Title IX requirements, the Office of the Chancellor should conduct routine Title IX reviews. When conducting these compliance reviews, the Office of the Chancellor should determine whether universities have implemented this report's recommendations.

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

SONOMA

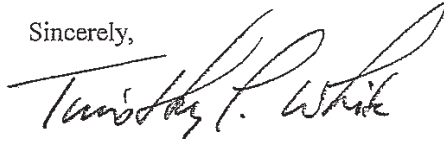
Response: We concur. We will work with the campuses to implement the recommendations in this audit report. However, as noted in the campus responses, because some of the recommendations pertain to faculty and staff represented by unions, training requirements related to those groups will need to go through the collective bargaining process. Therefore, the ultimate implementation of those recommendations is dependent upon the results of that process. In addition, the Office of the Chancellor will conduct routine Title IX reviews, including making a determination as to whether the campuses have implemented this report's recommendations.

STANISLAUS

Ms. Elaine M. Howle
June 4, 2014
Page Two

Please do not hesitate to contact me if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Timothy P. White". The signature is written in a cursive style with a large, looping initial 'T'.

Timothy P. White
Chancellor

TPW/amd

June 2014

California State University, Chico
Chico, California 95929-0125



Office of the Vice President for Student Affairs
530-898-6131
Fax: 530-898-4491
www.csuchico.edu/sa

June 4, 2014

Elaine M. Howle, CPA
State Auditor
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814
Attn: Tanya Elkins



Dr. Ms. Howle,

Enclosed for your review is California State University, Chico's response to the draft report on an audit of sexual harassment and sexual violence at California universities requested by the Joint Legislative Audit Committee.

If you have any question, please feel free to contact me at 530-898-613 or
pwdouglas@csuchico.edu

Sincerely,

A handwritten signature in black ink that reads "Pedro W. Douglas".

Pedro W. Douglas, E.d.D.
Associate Vice President for Student Affairs

Title IX Audit
University Recommendations
Chapter I

1. To help ensure that university faculty and staff do not mishandle student reports of incidents, all faculty and staff should receive training annually, consistent with their role, on their obligations in responding to and reporting incidents of sexual harassment and sexual violence

***We concur.** Subject to collective bargaining obligations, Chico State will work to ensure that faculty and staff will receive training annually, consistent with their role, on their obligations in responding to and reporting incidents of sexual harassment and sexual violence.*

2. To help ensure that resident advisors handle incidents of sexual harassment and sexual violence appropriately, Chico State should provide supplemental training on sexual harassment and sexual violence, including rape awareness training, for resident advisors twice a year.

***We concur.** To help ensure that resident advisors appropriately address incidents of sexual harassment and sexual violence, Chico State will provide supplemental training on sexual harassment and sexual violence, including rape awareness training, for resident advisors twice a year.*

3. To help ensure that athletic coaches handle incidents of sexual harassment and sexual violence appropriately, Chico State should provide supplemental sexual harassment and sexual violence training, including sexual assault, annually for all athletic coaches.

***We concur.** Subject to collective bargaining obligations, Chico State will provide supplemental sexual harassment and sexual violence training, including sexual assault, annually for all athletic coaches.*

4. Chico State should provide its education on sexual harassment and sexual violence to incoming students as close as possible to when they arrive on campus but no later than the first few weeks of their first semester or quarter. Further, Chico State should provide periodic refresher educational programs, at least annually, to all students on campus to ensure that they are aware of how to handle and report incidents of sexual harassment and sexual violence.

***We concur.** The campus will provide education on sexual harassment and sexual violence to incoming students—freshman and transfers-- as close as possible to when they arrive on campus but no later than the first few weeks of their first semester. Furthermore, Chico State will develop additional training modules that will allow us to offer periodic refresher education programs, at least annually, to all students on campus to ensure that they are aware of how to handle and report incidents of sexual harassment and sexual violence.*

5. Chico State should provide supplemental sexual harassment and sexual violence training, including sexual assault, for all student athletes on an annual basis. Further, Chico State should provide supplemental sexual harassment and sexual violence training, including rape awareness, to all student members of fraternities and sororities on an annual basis. Chico State should also determine which student organizations participate in activities that may place students at risk and ensure they receive annual, supplemental sexual harassment and sexual violence training, including rape awareness. Each of the trainings should be focused on situations the members of their respective student group may encounter.

***We concur.** Chico State will develop and provide supplemental sexual harassment and sexual violence training, including sexual assault and rape prevention, to be offered to all student athletes, members of fraternities and sororities, and members of student organizations on an annual basis. The Student Life and Leadership staff, consisting of Fraternity and Sororities Affairs, Student Organizations, and Club Sports will develop additional training to expand its current online sexual harassment training courses in order to foster a safe and productive campus environment. By specifically training students in high risk groups (Greeks, Student Athletes, Student Organizations), Chico State will deliver sexual violence training and prevention training using situations that are tailored to the needs and characteristics of each group.*

6. Chico State should ensure that the content of the education on sexual violence it provides to incoming students covers the topics outlined in California Education Code, Section 67385.7 (b).

***We concur.** The University will ensure that the content of the education on sexual violence it provides to incoming students covers the topics outlined in California Education Code, Section 67385.7 (b). The Title IX training currently provided to transfer students, international students, continuing education students, distance learning students, and graduate students meets and covers all requirements outlined by Section 67385.7(b) of the California Education Code. Chico State has already begun working to update its program for first-year students to ensure that all requirements are met.*

7. To ensure compliance with federal law and guidance, Chico State will need to review their incoming student and employee education programs and modify them as needed, as outlined in the Reauthorization Act and the 2014 guidance issued by OCR.

***We concur.** To ensure compliance with federal law and guidance, Chico State will review its incoming student and employee education programs and modify them as needed, as outlined in the Reauthorization Act and the 2014 guidance issued by OCR.*

8. To comply with state law, Chico State must ensure the appropriate distribution of its written policy on sexual harassment to all university employees at the beginning of the year.

***We concur.** In order to comply with state law, Chico State will ensure the appropriate distribution of its written policy on sexual harassment to all university employees at the beginning of the year.*

9. Chico State must ensure the appropriate distribution of the university's written policy on sexual harassment to all incoming student at new student orientations.

***We concur.** Chico State will ensure the appropriate distribution of the university's written policy on sexual harassment to all incoming students at new student orientations.*

10. Chico State should appropriately post the university's policy on sexual harassment. The policy should be posted prominently in the university's main administrative building and in other areas on campus where notices are posted, including key locations such as residence halls and athletic facilities. Similarly, the notice of nondiscrimination should be posted prominently throughout the university. If, because of the length of the policy on sexual harassment, it is not effective to post it in its entirety, Chico State should post summary information that explains how students can access the full policy.

***We concur.** Chico State will appropriately post the university's policies on sexual harassment and non-discrimination, or summaries of those policies with references as to where to locate the complete policy online. The University is in the process of updating its policy on sexual harassment as well as the notice of nondiscrimination based on guidance from the CSU Chancellor's office expected to be released in the coming month. Once complete, the notices will be posted as recommended, in key locations to include the main administrative building(s), residence halls, and athletic facilities. The University will continue to rely most heavily on the online version of the policies, as that has proven to be the most accessed and accessible format for dissemination of the information. It is anticipated that these posted notices will include abbreviated summaries of the policies with directions on how to access the full policies.*

Title IX Audit University Recommendations Chapter II

1. Chico State should create and use a document to share with students that explains what students should expect from the complaint process. At a minimum it should include an overview of the university's sexual harassment policy, the investigation process, relevant timelines, the legal standard that must be applied to the investigation, and issues related to confidentiality, as well as expectations regarding notification of case status updates and outcomes.

***We concur.** In addition to providing copies of the Executive Order describing the CSU complaint process and complaint form, Chico will create and use a document to share with students that explains what students should expect from the complaint process. The fact sheet will provide an overview of the university's sexual harassment policy, the investigation process, relevant timelines, the legal standard that must be applied to the investigation, and issues related to confidentiality, as well as expectations regarding notification of case status updates and outcomes.*

2. Chico State should ensure that the differences between an informal process and a formal investigation process are clearly explained to ensure that students know what to expect from each process. Further, it should explain that students whose cases are being handled under an informal process have the right to move to a formal process as any time.

***We concur.** Chico State will ensure that the differences between an informal process and a formal investigation process are clearly explained to ensure that students know what to expect from each process. Further, Chico State will explain that students whose cases are being handled under an informal process have the right to move to a formal process as any time.*

3. Chico State should provide regular updates on the status of their investigations to students filing or responding to complaints. Additionally, Chico State should notify the students of the resolution of the complaints. To demonstrate that it took these actions, Chico State should maintain appropriate records.

***We concur.** Chico State's Student Judicial Affairs staff will review current office protocols to ensure frequent status update notifications to students filing or responding to complaints.*

4. Chico State should ensure that it fully resolves all complaints that are reported to it and that it imposes appropriate discipline.

***We concur.** Chico State will work to ensure that all reported complaints are resolved in accordance with established procedures and that appropriate discipline is imposed.*

5. To ensure that Chico State conducts investigations as promptly as possible, it should regularly evaluate the timeliness of investigations in a systematic manner and ensure that it completes investigations within established timelines.

***We concur.** Chico State Student Judicial Affairs will regularly review and evaluate its case management practices with the goal of improving efficiencies and ensure that investigations are completed within established timelines.*

6. To identify ways to better serve their students, Chico State should create a summary of students incidents of sexual harassment and sexual violence reported to the various departments on campus. Chico state should evaluate its summary data to identify trends specific to the demographics, as well as the timing, location, and frequency of incidents to better inform its strategies to protect students and direct its outreach efforts.

***We concur.** In the coming year, Chico State's Title IX Oversight Committee will explore the feasibility of consolidating campus reporting efforts that are currently operating independently (Student Judicial Affairs, University Police, Student Health Services, Counseling and Wellness Center) while upholding legal protections for confidentiality pertaining to certain units to generate summary reports that reflect patterns or trends that can better inform our prevention efforts.*

June 2014

SAN DIEGO STATE
UNIVERSITY

Business and Financial Affairs
San Diego State University
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Jessica Rentto
Associate Vice President
Administration

June 4, 2014

Elaine M. Howle
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

Attached is San Diego State University's response to the draft report (Report No. 2013-124) on the audit of sexual harassment and sexual violence.

Should you have any questions or require additional information, please contact me at 619-594-6018.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Rentto".

Jessica Rentto
Associate Vice President, Administration

Attachment

c: Elliot Hirshman, President
Tom McCarron, Vice President and CFO, Business and Financial Affairs
Larry Mandel, Office of Audit and Advisory Services, California State University
Marc Mootchnik, Office of General Counsel, California State University

SDSU RESPONSES TO AUDIT RECOMMENDATIONS

CHAPTER 1:

Recommendation #1: To help ensure that university faculty and staff do not mishandle student reports of incidents, all faculty and staff should receive training annually, consistent with their role, on the obligations in responding to and reporting incidents of sexual harassment and sexual violence.

Agency Response*

We concur. Pursuant to the recommendation, and subject to meeting any collective bargaining obligations, SDSU will provide annual training for faculty and staff on the handling of student complaints of sexual harassment and sexual violence.

Recommendation #2: To help ensure that resident advisors handle incidents of sexual harassment and sexual violence appropriately, San Diego State should provide supplemental training on sexual harassment and sexual violence, including rape awareness training, for resident advisers twice a year.

Agency Response*

We concur. Pursuant to the recommendation, SDSU will provide sexual harassment and sexual assault training to resident advisers twice a year.

Recommendation #3: To help ensure that athletic coaches handle incidents of sexual harassment and sexual violence appropriately, San Diego State should provide supplemental sexual harassment and sexual violence training, including sexual assault, annually for all athletic coaches.

Agency Response*

We concur. Pursuant to the recommendation, and subject to meeting any collective bargaining obligations, SDSU will provide supplemental sexual harassment and sexual assault training annually to all athletic coaches.

Recommendation #4: San Diego State should provide their education on sexual harassment and sexual violence to incoming students as close as possible to when they arrive on campus but no later than the first few weeks of their first semester or quarter. Further, San Diego State should provide periodic refresher educational programs, at least annually, to all students on campus to ensure that they are aware of how to handle and report incidents of sexual harassment and sexual violence.

Agency Response*

We concur. In addition to the education provided during New Student Orientation, SDSU will provide incoming students with refresher training and resource information on sexual harassment and sexual assault within the first few weeks of the Fall semester. This refresher training and resource information will be emailed to all students on an annual basis at the start of the Fall semester.

Recommendation #5: To ensure that all incoming students receive education on sexual harassment and sexual violence, San Diego State should impose consequences, such as registration holds, on those not receiving the education.

Agency Response*

The campus is reviewing Recommendation #5 to determine the legal authority to impose a registration hold or other consequences to ensure students receive such education. If authorization does not presently exist, the campus will work with the system office as appropriate. Subject to such authorization, the campus will consider the feasibility of this recommendation and, if feasible, how to impose it.

Recommendation #6: San Diego State should widely distribute its Title IX brochure to ensure that all students and employees are aware of how to handle incidents of sexual harassment and sexual violence.

Agency Response*

We concur. SDSU will email a link to the Title IX brochure to all employees and students on an annual basis.

Recommendation #7: San Diego State should provide supplemental sexual harassment and sexual violence training, including sexual assault, for all student athletes on an annual basis. Further, San Diego State should provide supplemental sexual harassment and sexual violence training, including rape awareness, to all members of fraternities and sororities on an annual basis. San Diego State should also determine which student organizations participate in activities that may place students at risk and ensure they receive annual, supplemental sexual harassment and sexual violence training, including rape awareness. Each of the trainings should be focused on situations the members of the respective student groups may encounter.

Agency Response*

We concur. Pursuant to the recommendation, SDSU will provide supplemental training to student-athletes, fraternity and sorority members and to members of high-risk student organizations on an annual basis.

Recommendation #8: San Diego State should ensure that the content of the education on sexual violence it provides to incoming students covers the topics outlined in California Education Code, Section 67385.7(b).

Agency Response*

We concur. SDSU will ensure that the content of the education on sexual violence it provides to incoming students covers the topics outlined in California Education Code, Section 67385.7(b).

Recommendation #9: To ensure compliance with federal law and guidance, San Diego State will need to review its incoming student and employee education programs and modify as needed, as outlined in the Reauthorization Act and the 2014 guidance issued by OCR.

Agency Response*

We concur. SDSU will ensure that the content of the education on sexual violence provided to incoming students and new employees is consistent with federal law and guidance.

Recommendation #10: To comply with state law, San Diego State must ensure the appropriate distribution of their written policy on sexual harassment to all university employees at the beginning of every academic year.

Agency Response*

We concur. SDSU will distribute its written policy on sexual harassment to all university employees via email at the beginning of every academic year.

Recommendation #11: San Diego State should appropriately post the university's policy on sexual harassment. The policy should be posted prominently in the university's main administrative building and in other areas on campus where notices are posted, including key locations such as residence halls and athletic facilities. Similarly, the notice of nondiscrimination should be posted prominently throughout the university. If, because of the length of the policy on sexual harassment, it is not effective to post it in its entirety, San Diego State should post summary information that explains how students can access the full policy.

Agency Response*

We concur. SDSU will post summary information on its sexual harassment policy with an explanation on how students can access the full policy. This information will be posted in prominent locations on campus, as well as residence halls, the athletic facilities and the student union.

Recommendation #12: To comply with state law San Diego State must ensure the appropriate distribution of the university's written policy on sexual harassment to all incoming students at new student orientations.

Agency Response*

We concur. A summary of the university's policy, along with a link to the full policy, will be provided in the Student Handbook, provided to all incoming students at new student orientation. Additionally, a summary of university policy and a link to the full policy will be emailed to all students at the beginning of the academic year.

Recommendation #13: San Diego State should identify an individual who would serve as a resource advocate and who would be a central point of contact and a confidential resource available to help students obtain the services needed when they experience an incident of sexual harassment or sexual violence.

Agency Response*

We concur. SDSU is in the process of identifying a current employee or, as necessary, a funding source to fund a position to serve as a central point of contact and a confidential resource available to help students obtain the services needed when they experience an incident of sexual harassment or sexual violence.

CHAPTER 2:

Recommendation #1: San Diego State should create and use a document to share with students that explains what students should expect from the complaint process. At a minimum it should include an overview of the university's sexual harassment policy, the investigation process, relevant timelines, the legal standard that must be applied to the investigation, and issues related to confidentiality, as well as expectations regarding notification of case status updates and outcomes.

Agency Response*

We concur. Executive Order 1074 provides information regarding what a complainant should expect from the complaint process and the Executive Order contains the information recommended by the California State Auditor. SDSU will ensure that complainants are provided with a copy of the applicable Executive Order, in either hardcopy or electronic format. Further, investigators will document in the case handling checklist that the university's sexual harassment policy, the investigation process, relevant timelines, the legal standard that must be applied to the investigation, and issues related to confidentiality, as well as expectations regarding notification of case status updates and outcomes were explained during the intake interview with the complainant.

Recommendation #2: San Diego State should ensure that the differences between an informal process and a formal investigation process are clearly explained to ensure that students know what to expect from each process. Further, it should explain that students whose cases are being handled under an informal process have the right to move to a formal process at any time.

Agency Response*

We concur. Investigators will document in the case handling checklist that the investigator informed complainant about the differences between the formal and informal complaint process and that students whose cases are being handled under an informal process have the right to move to a formal process at any time. Further, as the differences are discussed in the applicable Executive Order, the investigator will ensure and document in the case handling checklist that complainant received a copy of the Executive Order, in either hardcopy or electronic format.

Recommendation #3: San Diego State University should provide regular updates on the status of their investigations to students filing or responding to complaints. Additionally, San Diego State should notify the students of the resolution of the complaints. To demonstrate that they took these actions, San Diego State should maintain appropriate records.

Agency Response*

We concur. Pursuant to the recommendation, investigators will provide regular status updates to students filing or responding to complaints and such updates will be noted in the file. Additionally, investigators will comply with the requirements of the Executive Order relating to notification regarding the resolution of complaints. The date notifications are sent to the students filing or responding to complaints will be documented in the case handling checklist.

Recommendation #4: To ensure that the universities conduct investigations as promptly as possible, San Diego State should regularly evaluate the timeliness of investigations in a systematic manner and ensure that they complete investigations within established timelines.

Agency Response*

We concur. Pursuant to this recommendation, investigators will note investigation due dates and actual completion dates in the case handling checklist. Case handling checklists will be reviewed and signed by the Title IX Coordinator upon completion of the investigation. The Title IX Coordinator will provide information to the Sexual

Violence Task Force on an annual basis regarding the timeliness of complaint investigations.

Recommendation #5: To identify ways to better serve their students, San Diego State should create a summary of student incidents of sexual harassment and sexual violence reported to the various departments on campus. San Diego State should evaluate its summary data to identify trends specific to the demographics, as well as the timing, location, and frequency of incidents to better inform its strategies to protect students and direct its outreach efforts.

Agency Response*

We concur. SDSU's Title IX Coordinator currently receives, reviews and maintains information regarding campus incidents of sexual harassment and sexual violence. Pursuant to the recommendations, the Title IX Coordinator will compile such data and, in collaboration with the Sexual Violence Task Force, will evaluate summary data to identify trends to better inform its strategies to protect students and direct outreach efforts.

Recommendation #6: San Diego State should implement its Sexual Violence Task Force and ensure that it includes participants such as high-level campus administrators, academic leaders and student leaders.

Agency Response*

We concur. SDSU has identified members of the Sexual Violence Task Force and anticipates the initial meeting of the task force to occur within the next 60 days.

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June 2014

UNIVERSITY OF CALIFORNIA

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June 4, 2014

Ms. Elaine M. Howle*
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

Dear Ms. Howle:

The University of California thanks you for the opportunity to review and comment on the audit report on sexual harassment and sexual violence at California universities. Sexual harassment and sexual violence is a serious and urgent issue on college campuses, and we appreciate your staff's work in collecting information and analyzing the complex issues surrounding this topic. At the University of California, we have no tolerance for sexual harassment or sexual violence and are committed to providing a respectful, inclusive environment for our students, faculty, and staff. We agree with CSA on the importance of accountability and concur with the general intent behind the recommendations to effectively prevent and respond to sexual harassment and sexual violence.

We have reviewed carefully the report and its recommendations. I am pleased that the auditors acknowledged the many appropriate and targeted processes, dedicated staff, programs, and trainings currently in operation on our Berkeley and Los Angeles campuses. While, as your report found, we already have many excellent processes in place, we continue exploring best practices, evidence-based interventions, and effective training opportunities to increase awareness, investigative and disciplinary process, and reporting programs for all UC campuses. Our goal is to be the national leader in combating sexual harassment and sexual violence.

As your report acknowledges, the issue of sexual harassment and sexual violence on campus has received increasing attention at the federal and State level over the past several years. The federal government has issued guidance and recommendations, the State legislature has proposed new laws, and CSA's report provides additional recommendations that go beyond applicable statutory and regulatory requirements. Without conceding that the Donahoe Higher Education Act applies to the University of California, we agree with the importance of ensuring that members of our community are familiar with our policies prohibiting sexual harassment and sexual violence, and are pleased that the auditors confirmed our compliance with applicable federal requirements related to reporting and policy distribution.

* California State Auditor's comment appears on page 99.

Ms. Elaine Howle

June 4, 2014

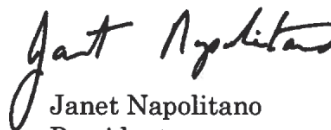
Page 2

I share your commitment to action on this issue, and the University of California system will be working diligently in the coming weeks and months to evaluate closely the report's recommendations, and will continue to develop programs and practices that address the issues CSA identified in an effective fashion. To that end, flexibility in addressing the report's recommendations is key. The University of California holds itself to the highest standards, and we are committed to act in a way that is most effective in addressing, preventing and responding to sexual harassment and sexual violence on our campuses. Some of the recommendations in the report, such as dictating the timing of student education programs and specifying where paper postings should be located on campuses, do not provide that flexibility, nor recognize the differences between our institutions. The goal should be to provide a safe campus environment where sexual harassment and sexual violence is prevented and responded to in the most effective manner.

Consistent with your recommendations for the Office of the President, we will be working with all UC campuses to review and respond to the recommendations to further enhance and improve the work that we are doing to identify best practices and evidence-based solutions across the entire UC system. We will review our auditing and monitoring of Title IX practices and programs. We will continue our work in assessing our training and education programs for students and student groups, faculty, and staff. We will examine our complaint procedures and the information we provide about how they work, for both complainants and respondents, to enhance communication and timeliness. Our work in reviewing and clarifying our policies already is underway. Finally, we will examine our data collection practices across the system to enhance ongoing efforts to identify trends and to better inform strategies for prevention and remediation.

The University of California remains committed to making all our locations safe places for students, faculty, and staff to learn and work. I thank you and your staff for providing this review as we continue our efforts to prevent sexual harassment and sexual violence on our campuses.

Yours very truly,



Janet Napolitano
President

cc: Senior Vice President and Chief Compliance and Audit Officer Vacca
Senior Vice President Dooley
Associate Vice President Juarez

Comment

CALIFORNIA STATE AUDITOR'S COMMENT ON THE RESPONSE FROM THE UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT

To provide clarity and perspective, we are commenting on the response by the University of California's (UC) Office of the President to our audit. The number below corresponds to the number we have placed in the margin of the Office of the President's response.

The Office of the President contends that some of the recommendations in our report do not provide the flexibility it believes it needs nor recognizes the differences between its institutions. We disagree. Although the Office of the President does not provide sufficient information in its response to understand exactly what its specific concerns are with the recommendations to which it refers, we continue to believe that our recommendations are important and question why any of the universities within the UC system, despite their individual differences, would be unable to implement them. We look forward to the Office of the President's and the two UC campuses' 60-day status reports to learn more about what actions they plan to take in these areas.

①

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Nicholas B. Dirks
CHANCELLOR
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PROFESSOR OF
ANTHROPOLOGY

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June 4, 2014

VIA FEDERAL EXPRESS

Elaine M. Howle, CPA
State Auditor
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Re: UC Berkeley Response to Audit Report No. 2013-124

Dear Ms. Howle:

The University of California, Berkeley would like to thank the Joint Legislative Audit Committee for ordering this audit and the California State Auditor (CSA) and her team for their examination of the University's handling of sexual harassment and sexual violence incidents. We appreciate the effort expended by CSA staff, who invested months reviewing documents and interviewing University personnel to prepare this report and recommendations.

We are pleased that the auditors acknowledged the targeted educational programs currently offered by UC Berkeley, the appropriate handling of criminal sexual misconduct cases by our campus police, the many highly trained administrators who are working on these issues for the campus, and the effectiveness of the campus' response in disciplining individuals who violate campus policies. We also were pleased the auditors found UC Berkeley in compliance with federal requirements related to reporting and policy distribution, that they noted the campus' provision of adequate resource information to students who have experienced an incident of sexual violence, and that they recognized our student conduct officers, resource specialists, Title IX Officer, mental health counselors, and medical practitioners have appropriate training and expertise to handle sexual violence complaints.

While we know that we can further strengthen and expand our existing protocols to support education and training and survivor advocacy, I want to underscore that the UC Berkeley is committed to doing what is necessary to create and sustain a caring culture of prevention and reporting, and to holding members of our community accountable for violating campus policies against sexual violence.

Elaine M. Howle, CPA
June 3, 2014
Page 2

Over the course of this past year, UC Berkeley has been focusing on improving our efforts to educate students, faculty and staff about sexual assault resources and bystander intervention; enhancing our ability to quickly and effectively handle allegations and reports of sexual misconduct, and amplifying our communications and support to survivors of sexual assault. To that end, UC Berkeley created a one-stop website for survivors, established an Interim Sexual Misconduct Policy in the Student Code of Conduct, and is formalizing the work of the Sexual Misconduct Response Team (“SMRT”) to coordinate the handling of sexual assault matters on campus. We also hired additional staff to respond to complaints of sexual misconduct, established a Survivor Resource Specialist in the campus police department, and allocated funds for a new Confidential Survivor Advocate position that will assist victims in securing emotional support and resources in the aftermath of an assault. In addition, I commissioned a Title IX Compliance Advisory Committee, comprised of faculty, staff and students, to review campus policies and educational efforts regarding sexual assault, harassment and discrimination.

I am greatly encouraged by the efforts and achievements of the many committed people on our campus who are working on these issues, but we know that our work is not done when it comes to sexual assault and harassment. There is little doubt that making improvements and implementing these recommendations will require additional resources, and we will work with the Office of the President and the legislature to identify resources for this critical work.

With respect to the report’s recommendations, I am mindful of the conclusion of the April 2014 Report of the White House Task Force to Protect Students from Sexual Assault that “[m]ore research is needed to develop and evaluate evidence-based programming to prevent sexual violence on campus.” We certainly agree with many of the goals reflected in the audit report’s recommendations, and want to ensure that the steps we take are effective and consistent with what both existing and emerging evidence demonstrates to be best practice. As indicated in President Napolitano’s response to the audit report, review, evaluation, and response to the specific recommendations in the report will be coordinated at the UC System-wide level.

The report makes a number of recommendations regarding training and education for faculty, athletic coaches and resident advisors to help ensure that they appropriately handle reports of sexual harassment or violence. We agree that such education is an important goal and we are mindful of new requirements established by the Violence Against Women Act reauthorization. Under the coordination of the Office of the President, we, along with all the UC campuses, will be assessing our existing programs and evaluating the report’s recommendations in this area to find ways to better achieve that goal.

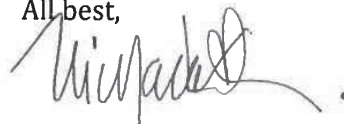
The report also makes several recommendations regarding training, education, and access to information and resources for students and student groups. Again, we agree with the report’s emphasis on the importance of student education and of providing students with ready access to clear information regarding sexual harassment and sexual assault policies and procedures.

Elaine M. Howle, CPA
June 3, 2014
Page 3

Educating students and changing attitudes and conduct is an area in which we believe evidence-based approaches are particularly important. We will work with the Office of the President to assess these issues and to continue our on-going work to improve student training and education.

Finally, the report offers a number of recommendations relating to our procedures for handling student reports of sexual assault and sexual harassment. We agree that students involved in this process, both complainants and respondents, must receive adequate information about procedures and the status of cases, and we recognize the importance of completing investigations in a timely manner. We will examine our data collection practices to enhance ongoing efforts to identify trends and to better inform strategies for prevention and remediation. We will be consulting with the Office of the President as it continues to review and clarify System-wide policies and practices in this area.

All best,

A handwritten signature in black ink, appearing to read "Nicolas B. Dirks", with a stylized flourish at the end.

Nicolas B. Dirks

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June 2014

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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OFFICE OF THE CHANCELLOR
 2147 MURPHY HALL, BOX 951405
 LOS ANGELES, CALIFORNIA 90095-1405

June 4, 2014

Elaine M. Howle, CPA*
 State Auditor
 California State Auditor
 621 Capitol Mall, Suite 1200
 Sacramento, CA 95814

Re: Response to Audit Report No. 2013-124 UCLA

Dear Ms. Howle:

Thank you for the opportunity to review and comment on the audit report on sexual harassment and sexual violence at California universities, which included UCLA. We are committed to providing a safe, respectful, inclusive environment for our students, faculty and staff and we take seriously our obligation to protect our campus community from sexual violence.

We understand the importance of appropriate communication and training, and will seriously consider the CSA's recommendations as we reevaluate and update our materials and procedures. We take exception, however, with the Report's position that certain provisions of the Donahoe Higher Education Act related to policy distribution apply to the University of California. ①

We agree wholeheartedly that effective training and communication of policies is instrumental in combating the problem of sexual violence on campuses. "Not Alone – the First Report of the White House Task Force to Protect Students From Sexual Assault" and other publications highlight the importance of research and innovation in determining the best and most effective ways to address this societal problem. We hope that all efforts to address sexual violence on campus will allow for innovation and will be based on evidence of effectiveness. Our priority is to ensure that timely and appropriate training, resources, notification, and education programs are provided to our campus community in a manner that is effective and consistent with our practices. Accordingly, legislative dictates that restrict our flexibility may have the effect of overloading the message and desensitizing the receiver. ②

UCLA looks forward to responding in greater detail to the recommendations at the sixty day status update.

Sincerely,

A handwritten signature in black ink that reads "Gene D. Block".

Gene D. Block
 Chancellor

cc: President Janet Napolitano
 Vice Chancellor Kevin Reed
 General Counsel and Vice President Charles Robinson
 Senior Vice President Sheryl Vacca

* California State Auditor's comments appear on page 107.

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE UNIVERSITY OF CALIFORNIA, LOS ANGELES

To provide clarity and perspective, we are commenting on the response by the University of California, Los Angeles (UCLA) to our audit. The numbers below correspond to the numbers we have placed in the margin of UCLA's response.

UCLA is referring to provisions of state law that relate to our section on policy distribution that begins on page 39. We recognize that many provisions of the Donahue Higher Education Act do not apply to the University of California (UC) pursuant to a statute enacted in 1991. However, we believe that the Legislature intended that the provisions on policy distribution do apply, as they were contained in a 1998 bill that included the Regents of UC in its definition of "postsecondary educational institution." We therefore stand by our position that UC campuses are subject to these provisions.

UCLA contends that "legislative dictates that restrict our flexibility may have the effect of overloading the message and desensitizing the receiver." We believe that the existing provisions of state law that we discuss in the report, as well as those items we have recommended the Legislature amend state law to create, can all be implemented in a way that is effective and does not have the detrimental effect that UCLA indicates. UCLA states that it will be responding in greater detail to our recommendations at the 60-day status update to our report. Therefore, we look forward to hearing about its actions to address the recommendations at that time.

①

②