

CSUN

OFFICE OF
EQUITY AND DIVERSITY

**Annual Title IX Report
July 1, 2018 to June 30, 2019**

Introduction

California State University, Northridge (CSUN) is committed to fostering an environment in which all members of our campus community are safe and free from sexual misconduct of any form. The University does not discriminate on the basis of sex, gender, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex in all education programs and activities operated by the university (both on and off campus). Title IX protects all people regardless of their gender or gender identity from sex discrimination, which includes sexual harassment and sexual violence.

This is the annual campus Title IX report pursuant to the requirements of CSU Executive Order 1095. Executive Order 1095 requires California State Universities to publish reports on Sexual Misconduct incidents annually on October 1st, for the prior fiscal year, without disclosing any information that would reveal the identities of the parties involved. To maintain the privacy of involved parties, the report cannot fully convey the complexity and specifics of circumstances associated with cases. Likewise, the report assigns complaints to general categories such as “sexual misconduct,” “dating violence,” “domestic violence” and “stalking” that encompass broad ranges of behavior.

Policies

The following CSU policies were in effect during the reporting period:

- CSU Executive Order 1095, the Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking Policy;
- CSU Executive Order 1096,¹ the Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties;
- CSU Executive Order 1097,² the Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students;

1 Two versions of this Executive Order were in effect during the reporting period – the October 5, 2016 version, and the superseding March 29, 2019 version. Applicable definitions remained the same across both versions.

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Definitions

For purposes of this report and in accordance with CSU Executive Order 1096 and 1097, **“Student”** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.

“Employee” means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties.

“Third Party” means a person other than an Employee or a Student. Examples include employees of auxiliary organizations²⁸, unpaid interns, volunteers, independent contractors, vendors, and their employees, and visitors.

The **Complainant** is the person alleged to have experienced misconduct. The **Respondent** is the person alleged to have committed the misconduct.

Sexual Misconduct

All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person’s intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person’s incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

Sexual Assault

A form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person’s Gender or sex.

Sexual Battery

A form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's Gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse.

Rape

A form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above).

Acquaintance Rape

A form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

Affirmative Consent

An informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative Consent. Affirmative Consent must be voluntary, and given without coercion, force, threats or intimidation.

The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.

Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at

any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.

Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

A person with a medical or mental disability may also lack the capacity to give consent.

Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

Domestic Violence

Abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two

unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the Parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the Parties hold themselves out as spouses; (5) the continuity of the relationship; and, (6) the length of the relationship. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Dating Violence

Abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Stalking

Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others’ safety or to suffer Substantial Emotional Distress. For purposes of this definition:

1. **Course of Conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

To read more about the CSU policy and definitions discussed above, please refer to CSU Executive Orders 1096 and 1097, located at <https://www2.calstate.edu/policies>.

The University encourages a culture of reporting and hopes that every member of the CSUN campus will report an occurrence of sexual misconduct, dating and domestic violence, and stalking. A report can be made by a person who experienced, witnessed, heard, or has knowledge of a possible incident.

For more information, including definitions, resources, and a more detailed overview of the processes available under the CSU Executive Orders, or for information about reporting an incident of Sexual Misconduct, please visit:

<https://www.csun.edu/eqd/title-ix>

Please contact the Director of Equity & Diversity and Title IX Coordinator with any questions or concerns:

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Campus Activities and Resources on Sexual Misconduct Prevention and Response

Sexual violence prevention is a priority at CSUN. The following activities, in addition to our ongoing programs, are part of an expanded set of initiatives we are taking to lead even more assertive efforts to combat sexual violence toward the goal of eradicating it at CSUN.

The President's Committee on Sexual Violence Prevention: The committee constitutes a diverse group of students, faculty, staff and local community crisis intervention professionals dedicated to developing, coordinating and promoting effective campus efforts toward the prevention and elimination of sexual violence. The cross-divisional group meets regularly to provide recommendations for improvements in sexual violence prevention policies and practices, programming, the investigative and disciplinary processes, and to ensure that resources for victims/survivors are comprehensive, trauma-informed, and culturally-sensitive.

Culture of Respect (COR) Pilot Participant: CSUN was 1 of 14 universities in the nation to participate in a pilot program partnering with COR and its team of experts to employ research-informed leading practices in campus sexual violence prevention. The Culture of Respect Collective is an ambitious two-year program that brings together institutions of higher education who are dedicated to ending campus sexual violence and guides them through a rigorous process of self-assessment and targeted organizational change. As part of the pilot program, CSUN identified and executed both short and long term goals to ensure that our efforts lead collaboratively to the best model for social change. More than 100 colleges and universities across North America have now participated in COR. Our goal is to build even greater capacity for: survivor support with reporting options; multi-tiered prevention education; public disclosure of the issue; clear policies on adjudication and penalties; school-wide mobilization/empowerment of campus activist organizations; and on-going self-assessment.

Educational Programming: The new freshmen class, incoming transfer students, and student clubs and organizations receive training focused on maintaining healthy relationships, establishing affirmative consent before engaging in sexual activity, the critical role of bystanders in intervening when they see potentially dangerous situations unfolding around them, and other important issues, including how the University responds to reports of sexual violence.

As part of New Student Orientation, students are asked to participate in “Classrooms and Community” sessions focused on student safety and well-being and in which they are made aware of CSUN’s policy prohibiting sexual harassment and sexual violence, support resources, and consequences for violations of the policy. New students also attended a theatrical performance by “TAKE,” demonstrating some of the transitional issues that incoming students could face, including sexual assault and relationship abuse. All first-time freshmen, transfer, and graduate students are required to complete “Not Anymore,” a video-based online program educating students on sexual assault, dating and domestic violence, and stalking. As with any training tool, it is one of many important components of a campaign towards the elimination of sexual violence at CSUN. Returning students are required to take the “Every Choice” refresher training. All faculty and staff are required to take a similar training program.

In addition to providing in-person training, the Office of Equity and Diversity has distributed to students CSUN’s Title IX Notice of Non-Discrimination, Rights and Options brochures, and “Student Resources and Reporting Options for Sexual Violence and Relationship Abuse” pamphlets, which provide information on CSUN’s policy and procedures regarding sexual harassment, sexual violence, domestic violence, dating violence, and stalking; myths and facts about sexual violence, risk reduction tips, and confidential and non-confidential resources – both on and off campus. The New Student Handbook has also been updated to reflect the University’s response to incidents of sexual misconduct and includes resources for students.

CSUN also provides a range of programs and activities to students which are organized directly by students. Project D.A.T.E. is a peer education program, in which students provide classroom presentations on sexual violence prevention and resources. Project D.A.T.E., in collaboration with University Counseling Services and Strength United, also organizes CSUN’s annual S.A.A.F.E. week in April and It’s On Us in October.

Training on sexual harassment and sexual violence continues to be provided for faculty and staff, both online and in person, through the Office of Human Resources in partnership with the Office of Equity and Diversity.

In the past year, the Office of Equity and Diversity has conducted numerous Title IX trainings across campus, focused on prevention, bystander intervention, reporting options, resources, and employee reporting obligations, including for:

- Athletics – students, faculty and staff;
- Fraternity and Sorority Life – Greek 101 (new members) and Greek 102 (returning members);
- New Student Orientation Leaders;
- New Employee Orientation (monthly);
- New Administrator Orientation;
- Resident Advisors and Academic Mentors – Student Housing;
- Disability Resources and Educational Services;
- University Counseling Services;
- Various departmental trainings on request.

Additional Support Services and Resources: Since July 2015, CSUN, in partnership with Strength United, a chartered center of CSUN's Michael D. Eisner College of Education, has been providing the university community with the additional confidential support service of the University's first-ever, full-time dedicated sexual assault victim advocates. Care Advocate, Danielle Samuel provides crisis intervention and on-going support services, including accompaniment to reporting and investigative proceedings. The addition of the Campus Care Advocates to the CSUN community strengthens the University's robust network of support services and commitment to providing victims of sexual misconduct with access to trauma-informed care. A vacant position for a second Care Advocate is to be filled in the near future.

Care Advocate, Danielle Samuel may be contacted at (818) 677-7492 or danielle.samuel@strengthunited.org.

Conducting formal investigations is one key aspect of the office's work, but as reflected in the data in this report, many cases are also resolved through early resolution. On occasion, a Complainant may not wish to take any action with our office, but may accept assistance being connected to other resources, such as the Care Advocate. The Office of Equity and Diversity also works to facilitate interim measures where appropriate, such as No Contact Directives, student housing changes, academic accommodations and changes to campus work schedules.

ANNUAL REPORT OF SEXUAL MISCONDUCT
Reporting Period July 1, 2018 – June 30, 2019

Total <u>Pending</u> Reports as of July 1, 2018:	
Formal Investigations	5
Informal Reports	0
<u>Total</u>	<u>5</u>

Total Reports of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking During Reporting Period	166 ³
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**See Figure 1 for breakdown of each category*

Respondent Status in Reports of Sexual Misconduct, Dating/Domestic Violence, and Stalking During Reporting Period	
Student	82
Staff ⁴	7
Faculty	2
Third Party	43
Unknown or Not Disclosed	32
<u>Total Respondents</u>	<u>166</u>

**See Figure 2*

3 There were 166 reports of 172 acts of sexual misconduct, dating/domestic violence, and stalking. Some reports involved multiple acts. For example, a report may involve allegations that fall under dating violence AND stalking, involving the same respondent. This would be counted as two acts but one report. If a complainant made three reports of one act against three different respondents, this would be counted as three reports, with one act each.

4 Staff includes student assistants.

Complainant Status in Reports of Sexual Misconduct, Dating/Domestic Violence, and Stalking	
Student	142
Staff	11
Faculty	0
Third Party	10
Unknown or Not Disclosed	3
<u>Total Complainants</u>	<u>166</u>

*See Figure 3

Number of Sexual Misconduct, Dating or Domestic Violence, and Stalking <u>Complaints Filed</u> with the Office of Equity and Diversity During this Period:	14 ⁵
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Number of <u>Completed Investigations</u> of Sexual Misconduct, Dating/Domestic Violence, and/or Stalking (defined as a full investigation conducted and completed with a formal report of findings)	6 ⁶
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Completed Investigations with <u>Finding of a Violation</u> of CSU E.O. 1097	2
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5 Of the 14 formal complaints filed in FY '19: 1 was not accepted based on insufficient information to warrant a full investigation; 4 were completed with a full investigation and investigation report; 2 were withdrawn; 1 was placed in abeyance pending the respondent's return from academic disqualification; and 6 were pending investigations as of the date of this report.

6 Of the 6 completed investigations in FY '19: 2 were pending entering FY '19; and 4 were filed within FY '19.

Completed Investigations with <u>No Finding of a Violation</u> of CSU E.O. 1097	2
Completed Investigations with <u>No Finding of a Violation</u> of CSU E.O. 1096	2

Number of Reports Resolved <u>Without</u> Completed Investigations, Including a Description of the Resolution and/or Reason for No Investigation	
Resolved Via Early Resolution ⁷	30
Anonymous/Confidential Reports, E&D Unable to Successfully Contact Third Party Complainant, or Complainant Otherwise Declined to be Contacted by E&D	12
Complainant was Non-Responsive to Outreach and/or Expressed that They Did Not Want the University to Conduct an Investigation or did not need further assistance, and the University Determined That the Risk Posed to the Reporting Party and Campus did not Outweigh Respect for the Reporting Party's Wishes; and Insufficient Facts to Warrant Further Investigation	113
<u>Total</u>	<u>155⁸</u>

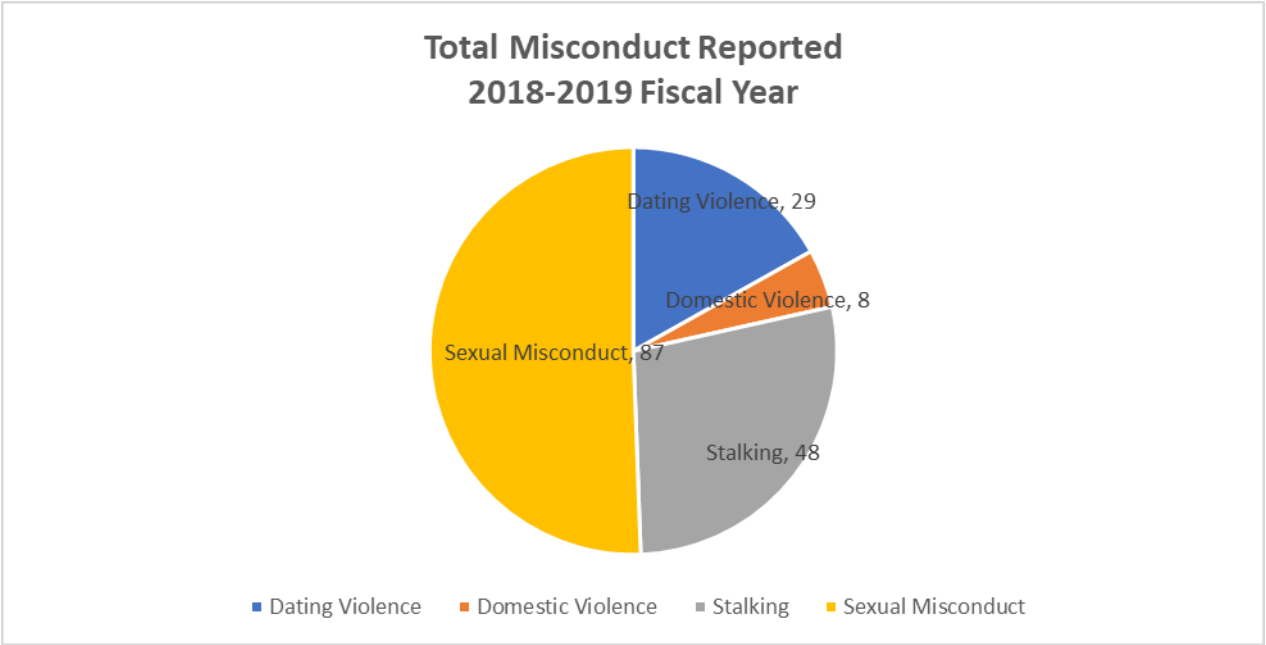
⁷ In lieu of filing a formal complaint, complainants may engage in early resolution where the complainant's concern may be resolved without a formal investigation. Examples of early resolution include, but are not limited to, implementation of a mutual no contact directive between the parties, a letter to the complainant's professors to indicate that the complainant may request reasonable classroom accommodations due to their experience, classroom adjustment, accommodations in Housing such as placing the respondent on the prohibited guest list in Housing, temporary emergency housing for the complainant, terminating housing lease, moving out, or transferring rooms without penalty.

⁸ This number does not include 7 pending cases which are yet to be resolved with or without completed investigations.

Number of Completed Investigations in Which the <u>Respondent was Held Responsible</u> , with Description of Final Sanction	
Expulsion from CSU with Transcript Notation	1
One-Year Suspension with Transcript Notation; Disciplinary probation until suspension effective; Not eligible for award of degree until suspension period completed	1
<u>Total</u>	<u>2</u>

Pending Investigations Entering FY 2019 to 2020:	<u>8⁹</u>
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Figure 1:



9 1 pending investigation remains open from the FY 2017-2018 reporting period.

Figure 2:

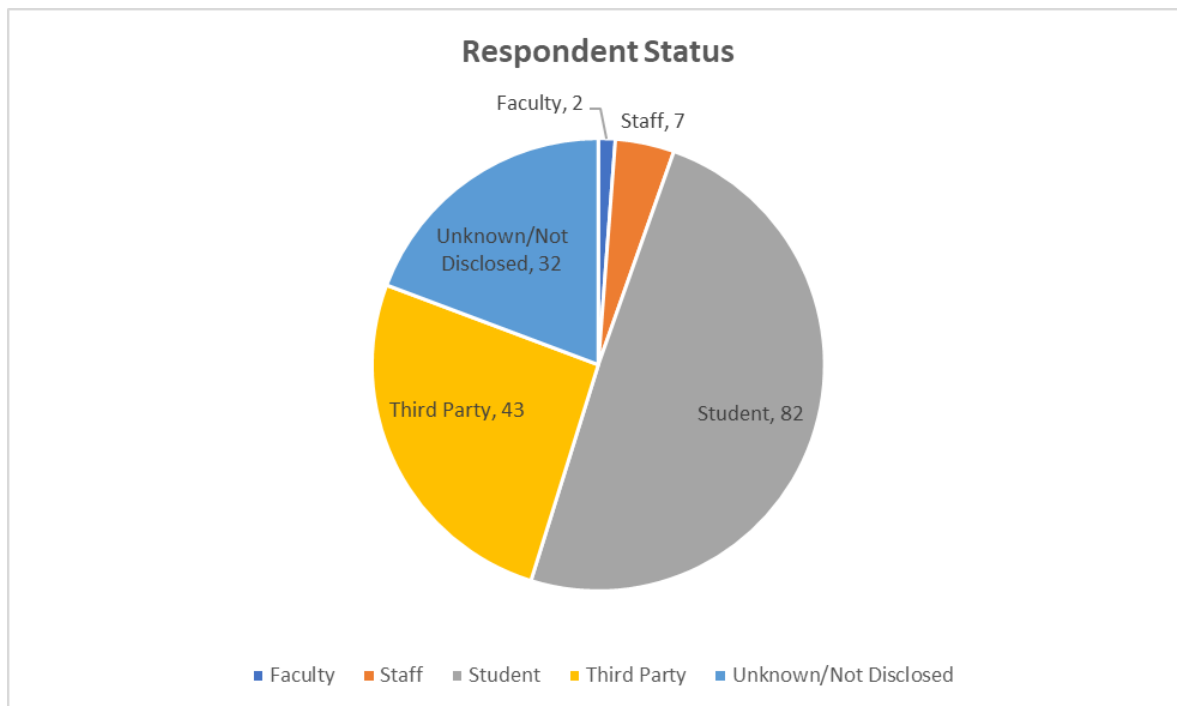


Figure 3:

