

Sonoma State University
Annual Title IX Report - 2015-2016

Introduction

Sonoma State University is committed to creating and maintaining an environment in which all persons who live, work and learn in our campus community can be free of all forms of sexual violence, sexual misconduct, dating violence, domestic violence, stalking and retaliation. Sex offenses threaten the emotional, physical and psychological well-being of our students, staff and faculty and endanger the safety of our community. Sex offenses impact our students' ability to feel safe on our campus and to achieve their greatest potential in the classroom.

This first annual report provides information about complaints of sexual violence brought to the attention of the Title IX office for the reporting period of July 1, 2015 to June 30, 2016 and the actions taken to address these complaints.

This report is intended to raise awareness of the sexual violence that occurs in our campus community. Our hope is that increased awareness will encourage greater participation in programs that prevent sexual violence and that our campus culture increases a commitment to support survivors and never tolerate any form of sexual violence. Confidentiality is of the utmost importance and therefore this report does not contain identifying information about specific cases in order to protect the privacy of all individuals involved.

Sexual violence as defined in California State University (CSU) Executive Orders encompasses a broad range of behaviors. Because of privacy obligations, the report cannot fully convey the variety and complexity of circumstances of each incident. The report includes complaints of sexual misconduct committed by or against a member of our campus community independent of criminal complaints and geographic location. One other point of clarification is that, the report includes incidents that occurred outside the reporting period but that were *reported* during the reporting period.

Policies

The Title IX office is a neutral resource for students, employees, and others to report concerns about sexual violence to the administration and to have those concerns addressed. The Title IX webpage can be found at: <http://www.sonoma.edu/hr/titleix/>

The following are CSU policies in effect during the reporting period. They can be found at: <http://www.sonoma.edu/hr/erc/title-ix/> :

- Executive Order 1095 Revised June 23, 2015
- Executive Order 1096 Revised June 23, 2015
- Executive Order 1097 Revised June 23, 2015
- Executive Order 1098 Revised June 23, 2015

Reported Policy Violations

Under CSU policies the Title IX office responds to reported policy violations. In some circumstances, the report of misconduct may follow the complaint procedures set forth in the Executive Orders. When this

occurs, the Title IX office investigates the complaint and reaches a determination as to whether or not a preponderance of the evidence reflects that the respondent violated the policy. Where a violation is found, the finding is referred to the applicable disciplinary process.

The report includes misconduct by third parties who were neither students nor employees, but, over whom the campus had some degree of control. CSU procedures include an option to resolve a concern of possible misconduct without an investigation. The cases that were resolved by Early Resolutions are included in the report.

Not all reports of possible policy violations arise as a complaint made by someone seeking to use the complaint or resolution procedures. The Title IX office also responded to reports where the information is insufficient to open an investigation. Circumstances include persons who report incidents to police but not to administration and request that their identity be kept confidential, persons who report incidents but decline to identify any perpetrator, incidents where the person reporting the misconduct requests their identity not be disclosed in any investigation, and incidents in which the reporting person requests that no investigation be opened.

When confidentiality is requested or the individual does not want to pursue an investigation, the individual is informed that the response may be limited and reminded, as in all cases, retaliation is prohibited by CSU policy.

The Title IX office evaluates a request not to reveal identifying information in balance with the responsibility to provide a safe and nondiscriminatory environment for all. If the request is honored, even if the campus cannot take disciplinary action, the Title IX office pursues other steps to limit the effects of any misconduct and prevent recurrence.

The campus also receives reports of incidents that did not occur on campus and did not involve a member of our campus community. The Title IX office provides support and resources in those circumstances, but, those reports are not included in this report because they do not involve allegations of misconduct subject to CSU policy.

Definitions

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.

1. Sexual Assault is 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.
2. Sexual Battery is 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.
3. Rape is 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.)
4. Acquaintance Rape is 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 means 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 consent nor does silence mean consent.

Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated.

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

Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order.

Total of reports received July 1, 2015- June 30,2016

The number of reports received between July1, 2015- June 30, 2016		58
Completed with a full investigation		14
Completed without a full investigation		40
Pending at the time of this report		6
Pending ¹ on July 1, 2015		2

Sexual misconduct, dating or domestic violence, and stalking Reports for FY July/2015-June/2016

The total number of sexual misconduct, dating violence and stalking reports		58
The number of sexual misconduct, dating violence and stalking in which a Student is the Respondent		33
The number of sexual misconduct, dating violence and stalking in which an Employee is the Respondent		4
The number of sexual misconduct, dating violence and stalking in which a Third Party is the Respondent		10
The number of sexual misconduct, dating violence and stalking in which the Respondent is unknown		11

The total number of sexual misconduct, dating or domestic violence and stalking reports investigated		14
The number of sexual misconduct with full investigation		12
The number of stalking reports with full investigation		2
The number of dating/ Domestic Violence with full investigation		0

The number of reports involving complaints who did not want to proceed with an investigation ²		14
The number of reports that resulted in no response from the complainant ³		10

¹ Pending reports include ones where a complainant is engaging with the Title IX office but is still deciding whether to proceed, a report is still being investigated, investigation appeal rights are still active, or sanctions/discipline are being contested, and therefore the process is not final.

² Fourteen reports involved complainants who did not want to proceed with an investigation. Resources were provided along with the option to report at a later date.

³ Ten reports resulted in no response from the complainant, despite multiple attempts utilizing multiple methods of communication (phone, email, etc.)

The number of reports in which the respondents are not affiliated with Sonoma State⁴		5
The number of reports that were not in the jurisdiction of Title IX⁵		4
The number of Sexual misconduct, dating or domestic violence, and stalking investigations in which the information was found insufficient to proceed with an investigation⁶		4
The number of sexual misconduct, dating or domestic violence, and stalking resolved without investigation, including a description of the resolution⁷ and/or no investigation		40

The number of sexual misconduct, dating or domestic violence, and stalking reports pending at the end of the period		6
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⁴ Five reports involved respondents who are not affiliated with Sonoma State University in any way. Resources were provided to the complainants and connections to outside agencies were facilitated if appropriate.

⁵ Four reports were not in the jurisdiction of Title IX. Those were referred to the appropriate university or community resource

⁶ Four reports did not have enough information to proceed with an investigation. Reports may have included multiple reasons for not being investigated. For example, a report may have included a respondent not affiliated with Sonoma State University and may also have not been a Title IX issue. In those cases, only one reason was listed.

⁷ Three reports were completed with an Early Resolution. Descriptions of the Early Resolutions are as follows:

Report #1-3: A) Refrain from unwanted/uninvited comments of a sexual nature, including when under the influence of alcohol or drugs; B) Refrain from knocking on doors of residential community members while under the influence of alcohol or drugs without an expressed purpose or invitation; C) Write a five page reflection paper; and D) Move out of current campus residence into a different building.

This report involved three complainants but one respondent surrounding incidents that occurred within the same evening, which is why three reports show the same Resolution Agreement

The number of sexual misconduct, dating or domestic violence, and stalking investigations in which the Respondent was held responsible, including a description of the final sanction ⁸		11
The number of sexual misconduct, dating or domestic violence, and stalking investigations in which the evidence was found insufficient to hold the Respondent responsible ⁹		3

Discrimination, Harassment, and Retaliation Reports/ Title IX for FY July/2015- June/2016

The total number of DHR/ Title IX reports received ¹⁰		13
The number of DHR reports in which a Student is the Respondent		5
The number of DHR reports in which an Employee is the Respondent		7
The number of DHR reports in which a Third Party is the Respondent		0
The number of DHR reports in which the Respondent is unknown		1

⁸ Eleven reports that were investigated had sufficient evidence to hold the respondent responsible for a violation

Report #1: Sexual harassment involving students: Disciplinary probation for remainder of time at Sonoma State, No contact order, Meeting with Counseling and Psychological Services to discuss support services on campus.

Report #2: Sexual misconduct involving students: Suspension in abeyance for one semester, No contact order, Completion of online sexual misconduct training, Access to campus for official university reasons only, Registration hold until completion of all sanctions.

Report #3: Sexual Misconduct involving employees: Five day suspension without pay

Report #4: Sexual Harassment involving a faculty: Written reprimand

Report #5: Sexual Misconduct involving students: Disciplinary probation for one semester and an educational reflection paper

Report #6: Sexual Misconduct involving students: Respondent did not respond to requests to meet by University Conduct. A disciplinary hold remains on the account

Report #7: Sexual Misconduct involving students: Disciplinary probation for one semester and an educational reflection paper

Report #8: Stalking involving a student against a faculty: Expulsion

Report #9: Sexual Misconduct involving students: Disciplinary suspension for one and a half semesters and no future enrollment at SSU or any CSU where the complainant is a student

Report #10: Stalking involving students: Respondent did not respond to requests to meet by University Conduct. A disciplinary hold remains on the account

Report #11: Sexual Misconduct involving students: Disciplinary suspension for one year, Suspension in abeyance upon return to SSU for remainder of enrollment, letter to parents/siblings, and an educational reflection paper

⁹ Three reports that were completed with an investigation had insufficient evidence to find the respondent responsible for a violation of the policy. The report types were as follows:

- Two reports were categorized as Sexual Misconduct
- One report was categorized as Stalking

¹⁰ The Title IX office received thirteen reports (not included in the above data) that are classified as Discrimination, Harassment, or Retaliation. Because the Title IX Coordinator holds the additional role of DHR Administrator those reports are processed by the same office

The number of DHR reports resolved without an investigation		11
The number of DHR reports investigated		2
The number of pending cases		0