

Sonoma State University

Annual Title IX Report

Academic Year 2018-2019

Introduction

Sonoma State University (SSU) 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 misconduct, dating violence, domestic violence, stalking, and sexual harassment (“sexual violence”).¹ Sexual violence threatens the emotional, physical, and psychological well-being of our students, staff, and faculty and endangers the safety of our community. Sexual violence impacts our students’ ability to feel safe on our campus and to achieve their greatest potential in the classroom.

This annual report provides information about reports of sexual violence, brought to the attention of the Office for the Prevention of Harassment & Discrimination (OPHD) (formerly known as Title IX Services), for the reporting period of July 1, 2018 to June 30, 2019, and the actions taken to address these complaints.

This report is intended to raise awareness of sexual violence that occurs in our campus community. Our hope is that increased awareness will encourage greater participation in programs that prevent sexual violence. We are focused on highlighting reporting options and resources available to survivors. We emphasize that the University does not tolerate any form of sexual violence and encourage SSU community members to seek services if they have experienced sexual violence.

Privacy is of the utmost importance; therefore, this report does not contain identifying information about specific cases, in order to protect the privacy of all individuals involved. Because of privacy obligations, the report cannot fully convey the variety and complexity of circumstances of each incident. The report includes complaints of sexual violence committed by or against a member of our campus community, independent of criminal complaints and geographic location. One other point of clarification is the report includes incidents that occurred outside the reporting period, but were *reported* during the reporting period.

Policies

The Office for the Prevention of Harassment and Discrimination, OPHD is a neutral resource for students, employees, and others to report concerns about sexual violence to the administration, and to have those concerns addressed. OPHD continues to oversee all reports and procedures regarding Title IX regulations. The OPHD webpage can be found at: <http://www.sonoma.edu/hr/titleix/>.

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

1. Executive Order 1095, revised June 23, 2015, Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy:
<https://calstate.policystat.com/policy/6741651/latest/>.

¹ Sexual misconduct, dating violence, domestic violence, stalking, and sexual harassment are defined in Executive Orders 1096 & 1097. While sexual misconduct is a form of sexual harassment, sexual harassment, in this report, is categorized as reports where no physical touching was involved (i.e., verbal harassment, unsolicited sexual advances, etc.).

2. Executive Order 1096, revised March 29, 2019, Policy and Procedures; Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties: <https://calstate.policystat.com/policy/6743499/latest/>.
3. Executive Order 1097, revised March 29, 2019, Systemwide Policy Prohibiting Discrimination, Harassment & Retaliation, Sexual Misconduct, Dating & Domestic Violence, & Stalking Against Students & Procedure for Addressing: <https://calstate.policystat.com/policy/6742744/latest/#autoid-p7r9m>.

Reported Policy Violations

OPHD responds to reports of sexual violence. In some circumstances, the report of sexual violence may follow the complaint procedures set forth in the Executive Orders 1096 or 1097. When this occurs, OPHD investigates the complaint and reaches a determination as to whether or not a Preponderance of the Evidence² reflects that the respondent violated Executive Orders 1096 or 1097. Where a violation is found, the finding is referred to the applicable disciplinary process.

Executive Orders 1096 and 1097 include an option to resolve a concern of possible sexual violence without an investigation. The cases that were resolved by early resolution are included in this report.

Not all reports of possible sexual violence are made by someone seeking to use the complaint or resolution procedures. The Title IX office also responds to reports where the information is insufficient to open an investigation. Circumstances may include persons who report incidents to police, but not to the administration, and also request that their identity be kept confidential; persons who report incidents but decline or are unable to identify any perpetrator; incidents where the person reporting sexual violence requests their identity not be disclosed in any investigation; incidents in which the reporting person requests that no investigation be opened; and incidents where the complainant does not respond to outreach attempts.

When confidentiality is requested, or the individual does not want to pursue an investigation, the individual is informed that the University's response may be limited. OPHD provides support and resources in those circumstances.

OPHD evaluates a confidentiality request against its responsibility to provide a safe and nondiscriminatory environment for all. If the request is honored, even if the campus cannot take disciplinary action, OPHD pursues other steps to limit the effects of any sexual violence and prevent recurrence.

The campus also receives reports of sexual violence where the reported perpetrator is not affiliated with the campus. OPHD provides support and resources in those circumstances.

New to the 2018-2019 Title IX Annual Report

In this year's report, the University has chosen to include the number of incidents of sexual harassment reported. Sexual harassment is categorized as an event/occurrence where physical touching was not involved between parties (i.e., verbal harassment, unsolicited sexual advances, etc.). Sexual misconduct, as defined in Executive Orders 1096 and 1097, is a form of sexual harassment; however, sexual misconduct is categorized as any and all sexual activity without affirmative consent. Therefore, reports of sexual harassment have been separated from reports of sexual misconduct.

² Preponderance of the Evidence is defined in Executive Orders 1096 & 1097 as "...that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side..."

OPHD has included reported incidents of sexual harassment in an effort to continue to raise awareness for our campus community and to continue OPHD's commitment to transparency. Importantly, this addition has resulted in a significant increase in *total* reports that were received, as compared to previous years' Annual Title IX Reports.

Total reports received July 1, 2018 – June 30, 2019

Total number of reports received	69
Number of sexual misconduct, dating/domestic violence, and stalking reports	54
• reports completed with a full investigation	1
• reports completed without a full investigation	45
• reports pending at the time of this report	7 ³
Number of sexual harassment reports	15
• reports completed with a full investigation	0
• reports completed without a full investigation	13
• reports pending at the time of this report	2
• reports of sexual misconduct, stalking, dating/domestic violence pending on July 1, 2018	1

Sexual misconduct, dating or domestic violence, and stalking reports for July 1, 2018 – June 30, 2019

Total number of sexual misconduct, dating/domestic violence, and stalking reports	54
Number of sexual misconduct, dating/domestic violence, and stalking reports in which the Respondent is a Student	29
Number of sexual misconduct, dating/domestic violence, and stalking reports in which the Respondent is an Employee	4
Number of sexual misconduct, dating/domestic violence, and stalking reports in which the Respondent is a Third Party/Not affiliated with the University	8
Number of sexual misconduct, dating/domestic violence, and stalking reports in which the Respondent is Unknown or the name was withheld from Title IX Services	13

Total number of sexual misconduct, dating/domestic violence, and stalking reports completed with a full administrative investigation	1
Number of full administrative investigations for sexual misconduct ⁴	0 ⁵
Number of full administrative investigations for dating/domestic violence	0
Number of full administrative investigations for stalking	1

Total number of sexual misconduct, dating/domestic violence, and stalking reports completed without a full administrative investigation	45
Number of reports resolved by an early resolution agreement ⁶	3

³ As of the time of this report, all 7 pending reports are receiving a full investigation.

⁴ Investigations involving multiple allegations are categorized by the primary policy violation being alleged.

⁵ The 7 pending reports are all being investigated for sexual misconduct.

Number of reports resolved by other outcomes ⁷	21
Number of reports resolved after Complainant did not respond to outreach attempts by OPHD or submitted report anonymously	21

Number of sexual misconduct, dating/domestic violence, and stalking administrative investigations in which there was sufficient evidence to substantiate a violation of the policy occurred (descriptions of sanctions below)	1
Number of sexual misconduct, dating/domestic violence, and stalking administrative investigations in which there was insufficient evidence to substantiate a violation of the policy occurred	0

Description of final sanction for administrative investigations⁸

No contact orders	1
Disciplinary probation	1
Suspension in abeyance	0
Suspension – less than one year	0
Suspension – more than one year	0
Loss of privilege to attend/re-enroll at Sonoma State	0
Restrictions/conditions of campus use ⁹	0

Description of final sanction for early resolution agreements¹⁰

No contact orders	3
Disciplinary probation	2
Suspension in abeyance	1
Suspension – less than one year	0
Suspension – more than one year	0
Loss of privilege to attend/re-enroll at Sonoma State	0
Restrictions/conditions of campus use	2
Educational sanctions	2

⁷ “Other outcomes” can include academic accommodations (change in class schedules, flexibility on assignments, etc.), housing relocation, referrals to campus (counseling, confidential advocacy, health center, etc.) or community resources (counseling/crisis response, legal options for reporting, etc.).

⁸ As with all sanctioning, in some cases, Respondents may have received multiple sanctions or conditions of re-entry following a separation from the university.

⁹ Restrictions on campus usage may include areas of campus where Respondents are not allowed to be present or restrictions on times of usage.

Sexual harassment reports for July 1, 2018 – June 30, 2019

Total number of sexual harassment reports	15
Number of sexual harassment reports in which the Respondent is a Student	6
Number of sexual harassment reports in which the Respondent is an Employee	6
Number of sexual harassment reports in which the Respondent is a Third Party/Not affiliated with the University	1
Number of sexual harassment reports in which the Respondent is Unknown or the name was withheld from Title IX Services	2

Total number of sexual harassment reports completed with a full administrative investigation ¹¹	0
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Total number of sexual misconduct, dating/domestic violence, and stalking reports completed without a full administrative investigation	13
Number of reports resolved by an early resolution agreement	2
Number of reports resolved by other outcomes	10
Number of reports resolved after Complainant did not respond to outreach attempts by Title IX Services or submitted report anonymously	1

Description of final sanction for early resolution agreements

No contact orders	1
Disciplinary probation	1
Suspension in abeyance	1
Suspension – less than one year	0
Suspension – more than one year	0
Loss of privilege to attend/re-enroll at Sonoma State	0
Restrictions/conditions of campus use	2
Educational sanctions	4

¹¹ Due to zero sexual harassment Reports having completed an administrative investigation, the finding of responsibility and sanctions will not be listed. The 2 pending sexual harassment Reports are currently in the midst of administrative investigations, which are not yet complete.