



Senator Connie M. Leyva
Chair, Senate Education Committee
1021 O Street, Suite 7610
Sacramento, CA 95814

Dear Senator Connie Leyva,

We were heartened to see your [call](#) for an investigation of Title IX procedures within the CSU system. As a group of CSU faculty and staff who have been working to improve the campus response to sexual misconduct, we would like to draw your attention to existing problems with the current system and offer a set of proposed solutions for your consideration.

At the heart of the problem is that **very few reports of sexual misconduct ever result in a hearing or perpetrator sanctions**. For example, CSULB has only held one hearing in the past 3+ years despite over 250 Title IX reports in the last year alone. The remainder of the reports are either not investigated, result in an informal resolution, or are found to not have enough evidence to move forward. Below, we detail several reasons for the low rates of investigation and offer a series of potential solutions.

Problem # 1: The Title IX Office receives a large number of reports that cannot be investigated. The CSU system designates nearly all faculty and staff as responsible employees who are required to report any information about current or past sexual misconduct to the Title IX Office, *regardless of what the student wants*. According to Ruth Jones, the CSU General Counselor in charge of Title IX issues, this mandate includes information about assaults experienced during childhood and prior to enrollment at the university. It also includes unintentional disclosures during class discussions, reflection papers, social media posts, etc. Such a wide-ranging interpretation of reporting requirements results in an inordinate number of Title IX reports that the *students have no desire to pursue* and/or the *university has no jurisdiction over*. Responding to these reports takes up time that the Title IX Office could instead spend pursuing reports that have the ability to move forward.

Proposed Solution 1: Initiate a *mandatory supporting model* instead of a *mandatory reporting model*. In contrast to the existing system, a mandatory supporting model would require faculty and staff to report campus-related incidents to the Title IX Office *when this is what the survivor wants*. When the survivor does not want to report the incident to the Title IX Office, faculty and staff would instead be required to refer the student to confidential advocates who can support survivors, provide information and referrals, accompany the survivor to the Title IX Office if they do decide to report, and request accommodations. This model would enable students to seek help without worrying about being reported to the Title IX Office (which may ultimately result in more willing reports to Title IX once students receive support). It would also reduce the burden on the Title IX Office of responding to reports that were never intentionally reported. For a good model, see the University of Oregon's [student-directed reporting](#) policy. For more information, see the following [article](#) and list of relevant [research](#).

Problem #2: Title IX Offices are tasked with a wide range of responsibilities above and beyond investigations and hearings. The CSU system has attempted to consolidate all matters relating to

sexual misconduct under the auspices of Title IX Offices and Coordinators. As a result, Title IX Offices are responsible for a wide range of duties above and beyond conducting investigations and overseeing hearings. Such responsibilities include providing information and support to victims, educating the campus community about Title IX processes, and conducting sexual assault prevention programming on campus. These added responsibilities not only take away from the Title IX Coordinator's ability to focus on investigations and hearings, they are also in direct conflict with their responsibility to remain neutral. As the primary investigative body, Title IX staff have neither the time nor training to provide unfettered support for survivors or engage in ongoing, evidence-based prevention efforts.

Solution #2: Establish separate Sexual Assault Centers tasked with providing advocacy, education, and prevention for the campus community. This model is used by the University of California system which has established [Campus Assault Resources and Education Centers](#) on all UC campuses. In addition, both [Cal Poly SLO](#) and [CSU Dominguez Hills](#) have established sexual assault centers that are separate from the Title IX Office. As noted above, Title IX staff must remain neutral and as a result may not be able to provide the type of advocacy and emotional support that most survivors need. In recognition of this complex role, and in response to legislation introduced by former United States Senator Barbara Boxer (the SOS Campus Act), the CSU system created confidential advocate positions on each campus. Confidential advocates provide support, accompaniment, and accommodations for survivors as well as community education and prevention programming for the campus community. In the UC Sexual Assault Center model, confidential advocates operate independently from but in collaboration with the Title IX Office, allowing students to feel more comfortable accessing services, giving advocates greater freedom to address student needs, hiring prevention specialists to implement more complex evidence-based prevention programs, and allowing Title IX staff to focus more exclusively on their primary investigative and adjudication roles.

Problem #3: Title IX Offices are woefully understaffed, underfunded, and receive little training on trauma-informed care. On most CSU campuses, the designated Title IX Coordinator holds multiple roles. For example, the Title IX Coordinator at CSULB is also the Assistant Vice President of Equity & Diversity. As such, responding to Title IX complaints is only a portion of their many job responsibilities. Most CSU Title IX Offices also have only 1-2 investigators. This creates an extremely high workload for most Title IX staff, and staff turnover is quite high, making it extremely difficult for Title IX Offices to thoroughly investigate and respond to the hundreds of reports that move through their offices each year. The training Title IX staff receive is also almost entirely focused on [regulation compliance](#) rather than trauma-informed care. This can exacerbate survivor experiences of secondary victimization and reduce the willingness of survivors to engage with the Title IX system.

Solution #3: Ensure that Title IX Offices are adequately staffed, funded, and trained. Given the high number of reports being handled by most Title IX Offices, overseeing the Title IX process should be the sole job of the Title IX Coordinator. Title IX Offices should also be staffed with enough investigators to thoroughly investigate each complaint that comes to their office. This would help to ensure that all parties involved – people who filed complaints as well as alleged perpetrators – receive fair treatment at all stages of the process. All Title IX staff should also receive in-depth training on trauma-informed procedures and be required to work in concert with confidential advocates to ensure that survivors are not being revictimized by their experiences with Title IX offices.

Problem #4: The filing of formal complaints is often discouraged. Very few of the reports made to Title IX Offices result in the filing of formal complaints. Reports made to the Title IX Office against the survivor's will (as a result of mandatory reporting policies) are rarely pursued because the victimized students are unwilling to participate in the process. In other cases, victimized students are encouraged to engage in an informal resolution process rather than file a formal complaint. The informal resolution process requires both the victim and the accused to agree upon a set of outcomes (generally changes to housing, class, or work schedules rather than sanctions) in lieu of an investigation. In presenting students with this option, some Title IX Offices emphasize the lengthy, arduous, and emotionally draining nature of full investigations and hearings which can deter some survivors from filing formal complaints. While some survivors may genuinely only want accommodations (and should be supported in this request), survivors who want to file a formal complaint should not be dissuaded from doing so.

Solution #4: Reduce the burden of filing formal complaints. Title IX Offices should directly address the barriers that keep victims from filing formal complaints. One of the main barriers to filing a formal complaint is that a full investigation, hearing, and appeals process can take up to 2 years. Setting more stringent time limits on each stage of the process can help reduce the burden on victims and ensure that sanctions such as suspensions and expulsions remain meaningful. Providing more support for survivors during the process can also reduce the burden of filing formal complaints. Such support could include advocacy, counseling, support groups, accommodations, tutoring, and interventions with friends and family. Hiring more confidential advocates to help provide this level of support and assist with survivor accommodations would enable survivors to move forward with formal complaints without overly burdening Title IX staff.

These are just a few of the problems that exist with the current Title IX system, and we encourage the Senate Education Committee to consider both the challenges and solutions suggested herein during any investigation into Title IX procedures within the CSU system. Creating a campus free of assault, harassment, and abuse should be understood as a pre-condition for student success, and therefore a priority for college and university campuses throughout California. We can do better in responding to sexual misconduct on campus. We encourage the Senate Education Committee to conduct a thorough examination of existing Title IX policies in the CSU system and to consider legislation to address the problems described above.

Sincerely,

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