

## **Statistical Review of Title IX Reporting Activity Chico State 2020-2021**

### **I. INTRODUCTION**

In an effort to increase transparency regarding the manner in which our campus addresses reports of Sexual Misconduct, Dating or Domestic Violence, and Stalking, and in compliance with Executive Order 1095, the below information summarizes the activity occurring in response to reports of this nature during the 2020-21 fiscal year.<sup>1</sup> In producing this report, every effort is made to ensure the privacy of the individuals involved.

Over the past year, the Title IX unit responded in some fashion to every report that was received. The most common type of report was received from a third party, typically someone affiliated with the University with whom a student shared they had been the victim of either Sexual Misconduct, Dating or Domestic Violence, or Stalking. The third party in turn made a report to the Title IX office, sharing the information received. When such a report was received, our first step was to ensure that the student was aware of the resources available, both on and off campus, and the various options they had for securing supportive measures and/or pursuing the matter (in criminal, civil, and/or administrative arenas). This included inviting the student to meet and further explore what, if anything, the student felt ready to do.

The below information focuses exclusively on the campus response to reports of specific instances of Sexual Misconduct, Dating or Domestic Violence, and Stalking, and is not intended to capture the many other efforts undertaken as part of our Title IX program. Additionally, this year we transitioned to using a reporting tool provided by the Chancellor's Office and will be using this format going forward. It has a slightly different look, though contains the same information.

### **II. TOTAL REPORTING**

Overall, during the 2020-21 fiscal year, there were 42 distinct reports made to the Title IX office regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking. This number represents a drastic decrease from the 88 reports received in the year prior, and represents the first instance of declining reports since the office began tracking and reporting on the reports received.

There are several factors that are presumably contributing to the decline, with the most obvious being the pandemic, and the fact that Chico State operated with nearly all of its classes conducted virtually for the duration of the 20-21 academic year. On-campus housing was closed

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<sup>1</sup> The data included is based on the date the report was received, not the date of the incident reported. We have included reports received between July 1, 2020 and June 30, 2021. Not included are reports related to Harassment or other forms of Discrimination and Retaliation.

during this time as well. As mentioned in the introduction, the most common report is when a student confides in a trusted campus official, and while operating virtually, the opportunity for these sensitive conversations was greatly reduced, as was the connection that many students felt with the faculty and student support professionals in whom they would often confide.

A second factor that could potentially impact reporting was the implementation of new federal regulations that impact the Title IX investigation process. Effective August 14, 2020, these new rules increased the procedural protections for individuals reported to have violated Title IX rules, potentially increased the length of an investigation, and added a cross-examination feature that many victim advocates predicted would lead to decreased reporting or participation in the process. The true impact is difficult to measure, but presumably this played a role in people reporting to Title IX, and we have heard anecdotally from confidential resources (such as WellCat Safe Place) that the regulations have discouraged participation in the investigative/hearing model.

To combat the above, the Title IX committee adopted two priorities for the 2021-22 academic year. The first is to restore reporting to pre-pandemic levels through information sharing and outreach and to implement a restorative justice-based adaptive resolution model that would allow students who have been harmed the ability to address those who have caused harm, and those who have caused harm to acknowledge the harm done, in ways outside of the investigative model.

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking reports received during the reporting period (July 1, 2020 to June 30, 2021).**

Total	42 <sup>2</sup>
Sexual Misconduct/Sexual Assault	33
Dating and Domestic Violence	7
Stalking	3

**III. IDENTIFIED RESPONDENTS**

We received 12 reports of Sexual Misconduct, Dating or Domestic Violence, or Stalking where the Respondent was alleged to be affiliated with the campus, but that University did not initiate a formal investigation. In such instances, where the identity of a Respondent is known but the Complainant has not chosen to pursue a formal investigation, the University must carefully balance competing concerns. The University always attempts to respect a Complainant's desire

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<sup>2</sup> One report received included both DV and Sexual Misconduct allegations resulting in the disparity between total reports received and the sum of the types of reports below.

for confidentiality and choice in whether a formal campus investigation is initiated. The University will weigh those considerations when determining whether the present circumstances, including the seriousness of the allegations, the age of the Complainant(s), other complaints against the Respondent, and the risk to the campus community, warrant initiating an investigation despite a victim’s wishes.

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking reports received during the reporting period (July 1, 2020 to June 30, 2021) in which a Student is the Respondent.**

Total	10
Sexual Misconduct/Sexual Assault	10
Dating/Domestic Violence	0
Stalking	0

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking reports received during the reporting period (July 1, 2020 to June 30, 2021) in which an Employee is the Respondent.**

Total	2
Sexual Misconduct/Sexual Assault	1
Dating/Domestic Violence	1
Stalking	0

**IV. UNAFFILIATED OR UNKNOWN RESPONDENTS**

In fiscal year 2020-21, we received 30 reports involving Sexual Misconduct, Dating or Domestic Violence, and Stalking, where the potential Respondent was either not affiliated with the campus or there was insufficient information known as to whether the Respondent was affiliated with the campus. As a result, formal investigations were not conducted. In those instances, our focus was on providing resources and supportive measures to the victims to support them and enable them to continue making progress on their education. Reports falling into this category are listed below.

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking reports received during the reporting period (July 1, 2020 to June 30, 2021) in which a Third Party is the Respondent.**

Total	9
Sexual Misconduct/Sexual Assault	6
Dating/Domestic Violence	2
Stalking	1

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking reports received during the reporting period (July 1, 2020 to June 30, 2021) in which the Respondent is an Unknown or Unidentified Individual.**

Total	21
Sexual Misconduct/Sexual Assault	16
Dating/Domestic Violence	4
Stalking	2

**V. FORMAL INVESTIGATIONS**

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking reports investigated (with a finding - Violation or No Violation) during the reporting period (July 1, 2020 to June 30, 2021).**

Total	1
Sexual Misconduct/Sexual Assault	1
Dating/Domestic Violence	0
Stalking	0

**The number of Sexual Misconduct/Sexual Assault investigations during the reporting period (July 1, 2020 to June 30, 2021) in which the Respondent was held responsible.**

Total	1
Expulsion	0
Suspension of one year or more	0
Suspension of less than one year	0
Disciplinary probation	0
Termination of employment	1
Suspension without pay	0
Letter of reprimand	0
Educational training	0
Other (please specify and provide number)	0

**The number of Dating and Domestic Violence investigations during the reporting period (July 1, 2020 to June 30, 2021) in which the Respondent was held responsible.**

Total	0
Expulsion	0
Suspension of one year or more	0
Suspension of less than one year	0
Disciplinary probation	0
Termination of employment	0
Suspension without pay	0
Letter of reprimand	0
Educational training	0
Other (please specify and provide number)	0

**The number of Stalking investigations during the reporting period (July 1, 2020 to June 30, 2021) in which the Respondent was held responsible.**

Total	0
Expulsion	0
Suspension of one year or more	0
Suspension of less than one year	0
Disciplinary probation	0
Termination of employment	0
Suspension without pay	0
Letter of reprimand	0
Educational training	0
Other (please specify and provide number)	0

**The number of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking investigations during the reporting period (July 1, 2020 to June 30, 2021) in which the evidence was found insufficient to hold the Respondent responsible.**

Total	0
Sexual Misconduct/Sexual Assault	0
Dating/Domestic Violence	0
Stalking	0

**VI. OUTREACH AND SUPPORTIVE SERVICES**

**The number of Sexual Misconduct/Sexual Assault reports that were resolved without investigation and/or a finding during the reporting period (July 1, 2020 to June 30, 2021).**

Total	31
Informal Resolution prior to investigation commencing	0
Informal Resolution while investigation was in process, or after investigation completed (prior to a finding being made)	0
Complainant did not respond to outreach and insufficient information to move forward	15
Complainant elected to remain confidential so unable to send outreach	13
Other Outcome (please specify and provide number)	3 – Resources were provided to complainant.

**The number of Dating and Domestic Violence reports that were resolved without investigation and/or a finding during the reporting period (July 1, 2020 to June 30, 2021).**

Total	7
Informal Resolution prior to investigation commencing	0
Informal Resolution while investigation was in process, or after investigation completed (prior to a finding being made)	0
Complainant requested resources and/or supportive measures only	1
Complainant did not respond to outreach and insufficient information to move forward	6
Complainant elected to remain confidential so unable to send outreach	0
Other Outcome (please specify and provide number)	0

**The number of Stalking reports that were resolved without investigation and/or a finding during the reporting period (July 1, 2020 to June 30, 2021).**

Total	3
Informal Resolution prior to investigation commencing	0
Informal Resolution while investigation was in process, or after investigation completed (prior to a finding being made)	0
Complainant requested resources and/or supportive measures only	3
Complainant did not respond to outreach and insufficient information to move forward	
Complainant elected to remain confidential so unable to send outreach	0
Other Outcome (please specify and provide number)	0

## **VII. PENDING MATTERS**

**The total number of pending Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking cases as of end of June 30, 2021.**

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**The total number of pending Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking cases as of July 1, 2020.**

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## **VIII. CONCLUSIONS AND THE PATH FORWARD FOR 2021-22**

The above report does not capture the whole picture regarding how many incidents are taking place in our community, but rather represents what was reported to the Title IX office. The decrease in reporting is concerning and, as a campus community, we have trust and relationship rebuilding work to do to ensure that students are connected with resources and options.

The implementation of a restorative justice model to use as part of Title IX services, with plans to expand further into the campus community, is an exciting prospect. During the month of June

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<sup>3</sup> This case represented a Formal Investigation in which there was a finding of responsibility for Dating or Domestic Violence, and for which the Student Respondent was placed on Disciplinary Probation.



2020, the Title IX team with support of the Vice President for Business & Finance, Ann Sherman, was able to send a cross-disciplinary team of employees from Housing, Student Conduct, Safe Place, Title IX, and the Counseling and Wellness Center to an intensive training related to the implementation of restorative justice practices in situations where there has been sexual- or other interpersonal violence-related harm. The potential for such a program to expand the reach of Title IX and provide greater healing and agency for the people involved is an exciting prospect.

Ultimately, the goals of the Title IX office are to work towards a safer campus for everyone, irrespective of sex, gender, sexual orientation, gender identity, or gender expression, to ensure awareness of the resources and options available to those who believe their rights have been violated, and to provide a fair process that respects the rights of all, in a manner that is sensitive to the emotional cost for those involved.