

To: Campus Community  
From: D. Saake, Title IX Coordinator  
Re: 2018-19 Statistical Review  
Date: October 1, 2019

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### **2018-19 Statistical Review of Title IX Reporting Activity**

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 attempts to summarize the activity occurring in response to reports of this nature during the 2017-18 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 accommodations 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.

#### **Summary of Reports Received**

Overall, during the 2018-19 fiscal year, there were 77 distinct reports made to the Title IX office regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking. This number represents a slight increase over the 74 reports received in the year prior. Included within those reports are the following:

- Twenty-five (25) reports in which a student (or recently separated student) was the Respondent.<sup>2</sup>
- Zero (0) reports in which an Employee was the Respondent.
- Fifty-two (52) reports in which the Respondent was either not affiliated with the campus, or there was insufficient information known as to whether the Respondent

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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, 2018 and June 30, 2019.

<sup>2</sup> “**Respondent**” means the CSU, a CSU Employee, another Student, or a Third Party who is alleged to have violated this Executive Order.

was affiliated with the campus. It is fair to assume that at least a portion of these unknown Respondents were affiliated with the University.

### Significant Changes

During the 18-19 year, the process by which formal investigations were conducted changed significantly for certain cases. In January 2019, a California Court of Appeal issued a ruling in the case *John Doe v. Kegan Allee, Ph.D, et al.*, and based on the guidance from that case, in March 2019, the CSU system adopted updated procedures for the processing of cases involving Sexual Misconduct by a student-Respondent that could result in either suspension or expulsion, where credibility was central to the finding. The court decision, and the subsequent change in procedures, resulted in delays for matters that had not been concluded under the prior process. It is unclear what impact the procedural changes will have on the willingness of students to pursue formal investigations, though requests for investigations decreased slightly during the past year.

There were five (5) matters that were initially reported and investigated during the 17-18 year, and for which final action occurred during the 18-19 fiscal year. These matters, and the final actions taken, are described in the table directly below, followed by a table with the investigations initiated in the 18-19 academic year and how they were concluded.

### **Investigations from 2017-18, Concluded in 2018-19**

	TYPE OF REPORT	DESCRIPTION	UNIVERSITY RESPONSE OR OUTCOME
7	Sexual Misconduct/ Sexual Battery	Student reported being sexually battered by employee.	Formal Investigation conducted. Preponderance of the evidence does not support finding a policy violation.
8	Sexual Misconduct/ Rape	Student reported being raped by another student.	Formal Investigation conducted. Accommodations provided. Policy violation found. Student expelled.
9	Sexual Misconduct/ Rape	Student reported being raped by another student.	Formal Investigation conducted. Accommodations provided. Preponderance of the evidence does not support finding a policy violation.
10	Sexual Misconduct/ Rape	Student reported being raped by another student.	Formal Investigation conducted. Policy violation found. Discipline pending.
11	Sexual Misconduct/ Rape	Student reported being raped by another students.	Formal Investigation conducted. Accommodations provided. Preponderance of the evidence does not support finding a policy violation.

### **Formal Investigations Conducted in 2018-19**

	TYPE OF REPORT	DESCRIPTION	UNIVERSITY RESPONSE OR OUTCOME
1	Sexual Misconduct/ Rape	Report of student raped by other student.	Formal Investigation conducted. Accommodations provided. Matter resolved through early resolution agreement where respondent will not re-enroll.
2	Sexual Misconduct/ Sexual Battery	Report of student battered by another student.	Formal Investigation conducted. Accommodations provided. Matter resolved through early resolution agreement where respondent will not re-enroll.

3	Sexual Misconduct/ Rape	Report of student raped by another student.	Formal Investigation conducted. Matter is pending.
4	Sexual Misconduct/ Rape	Report of student raped by another student.	Formal Investigation conducted. Matter is pending.
5	Sexual Misconduct/ Sexual Battery	Report of student battered by another student.	Formal Investigation conducted. Matter is pending.

### **Early Resolutions in 2018-19**

Early resolution can be an effective way to resolve matters through the parties' agreement. Incidents like Sexual Misconduct, Dating or Domestic Violence, or Stalking, are often matters for which early resolution may be difficult, and it was specifically discouraged for Sexual Misconduct matters in prior versions of the Executive Order. The new process implemented with the March 2019 revisions to the Executive Orders provides an opportunity to resolve matters through early resolution at any time during the process, and has a specific provision for exploring early resolution after the investigation has concluded, but before any findings are made and before the hearing stage of the process. Matters resolved through early resolution after the conclusion of the investigation are captured in the above section of this report.

The below listed matters were resolved through the imposition of a no-contact directive, which was requested by the reporting student as an alternative to the full investigation process.

	TYPE OF REPORT	DESCRIPTION	UNIVERSITY RESPONSE OR OUTCOME
1	Sexual Misconduct/ Sexual Assault	Report of student assaulted by another student.	Resources and accommodations provided. Matter resolved through Early Resolution by institution of no contact agreement. Insufficient information or indicia of risk to proceed against victim's wishes.
2	Sexual Misconduct/ Rape	Report of student raped by another student.	Resources and accommodations provided. Matter resolved through Early Resolution by institution of no contact agreement. Insufficient information or indicia of risk to proceed against victim's wishes.

### **Matters for Which Formal Investigations were Not Initiated in 2018-19**

In fiscal year 2018-19, we received 52 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 be conducted. In those instances, our focus was on providing resources and accommodations to the victims in order to support them and enable them to continue making progress on their education. Reports falling into this category are listed below. When reviewing the below, it is helpful to keep in mind that we often receive reports from third parties of a student who was "sexually assaulted." Unless we receive specific information indicating that the conduct meets either the definition of "Rape" or "Sexual Battery," we do not change the nature of the report received. However, it is fair to assume that a portion of the "Sexual Assault" reports are actually reports of Rape.

	TYPE OF REPORT	DESCRIPTION	UNIVERSITY RESPONSE OR OUTCOME
1	Sexual Misconduct/ Sexual Assault	3rd Party report of student who had experienced a previous sexual assault.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
2	Sexual Misconduct/ Sexual Assault	3rd Party report of student who had experienced a previous sexual assault.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
3	Sexual Misconduct/ Sexual Assault	3rd Party report of student who had experienced a previous sexual assault.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
4	Sexual Misconduct/ Sexual Battery	3rd party report of student who was sexually battered by non-student.	Resources and accommodations provided to victim and provided options for pursuing the matter.
5	Sexual Misconduct/ Sexual Assault	3rd Party report of student who had experienced a previous sexual assault.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
6	Sexual Misconduct/ Sexual Assault	3rd Party report of student who had experienced a previous sexual assault.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
7	Sexual Misconduct/ Sexual Battery	Report of former student being sexually battered by a former employee.	Resources provided. Additional information provided to reporting party.
8	Sexual Misconduct/ Sexual Battery	3rd party report of a student who was sexually battered.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
9	Dating or Domestic Violence	3rd party report of a student who was victim of domestic violence.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
10	Sexual Misconduct/ Rape	3rd party report of a student who was raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
11	Sexual Misconduct/ Rape	3rd party report of a student who was raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
12	Sexual Misconduct/ Sexual Battery	3rd party report of student who had been battered by a former student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
13	Dating or Domestic Violence	3rd party report of student was victim of abuse.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
14	Sexual Misconduct/ Sexual Assault	3rd party report of student who had been sexually assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
15	Dating or Domestic Violence	3rd party report of student was victim of abuse.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.

16	Sexual Misconduct/ Sexual Assault	3rd party report of student who had been sexually assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
17	Dating or Domestic Violence	3rd party report of student who has been abused.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
18	Dating or Domestic Violence	3rd party report of student who has been abused.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
19	Sexual Misconduct/ Rape	3rd party report of student who had been raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
20	Sexual Misconduct/ Sexual Assault	3rd party report of a student who had been sexually assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
21	Stalking	Student reported being stalked.	Resources provided and assisted student with securing accommodations and working with law enforcement.
22	Sexual Misconduct/ Sexual Assault	3rd party report of a student who was sexually assaulted by a non-student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
23	Sexual Misconduct/ Sexual Assault	3rd party report of student who was assaulted by a non-student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
24	Stalking	3rd party report of student being stalked.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
25	Sexual Misconduct/ Rape	3rd party report of student who was raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
26	Sexual Misconduct/ Sexual Assault	3rd part report of student who had been sexually assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
27	Sexual Misconduct/ Rape	3rd party report of student who was raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
28	Sexual Misconduct	3rd party report of student who was victim of sexual misconduct.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
29	Dating or Domestic Violence	3rd party report of student was had been abused.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
30	Sexual Misconduct/ Rape	3rd party report of a student who was raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
31	Sexual Misconduct/ Rape	A 3rd party report of a student who had been raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
32	Dating or Domestic Violence	3rd party report of student who had been the victim of abuse.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.

33	Stalking	3rd party report of student who was being stalked.	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.
34	Sexual Misconduct; Dating or Domestic Violence	Report of student was the victim of abuse and potential sexual misconduct.	Resources provided and student connected with various campus resources. Insufficient information to proceed without victim participation, or against victim's wishes.
35	Dating or Domestic Violence	3rd party report of student who was victim of abuse.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
36	Dating or Domestic Violence/ Stalking	Report of student who was abuse and stalked by former student.	Resources provided and student assisted with information on how to best enforce legal orders.
37	Dating or Domestic Violence/ Stalking	Report of student who was subject to threats and stalking behavior.	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.
38	Sexual Misconduct/ Sexual Assault	3rd party report of student who had been sexually assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
39	Sexual Misconduct/ Sexual Assault	3rd party report of student who was assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
40	Sexual Misconduct/ Rape	3rd party report of a student who was raped.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
41	Dating or Domestic Violence	3rd party report of student who was abused by non-student.	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.
42	Stalking	3rd party report of student who is being stalked.	Resources provided. Avenues for support discussed with student. Insufficient information to proceed without victim participation, or against victim's wishes.
43	Dating or Domestic Violence	Report of student who is victim of abuse.	Resources provided. Accommodations provided to the student.
44	Sexual Misconduct/ Rape	3rd party report of student who was raped by a non-student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
45	Sexual Misconduct/ Sexual Assault	3rd party report of student who was assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
46	Sexual Misconduct/ Sexual Assault	3rd party report of student who had been assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
47	Sexual Misconduct/ Rape	Report of student who had been raped.	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.
48	Sexual Misconduct/ Sexual Assault	3rd party report of student who had been assaulted by a non-student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.

49	Sexual Misconduct/ Sexual Assault	3rd party report of student who was sexually assaulted.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
50	Dating or Domestic Violence	3rd party report of a student who experienced dating violence from a non-student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
51	Sexual Misconduct	Report of student who experienced sexual misconduct	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.
52	Dating or Domestic Violence.	Report of student who is the victim of domestic violence.	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.

We received 18 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 some instances, the identity of the alleged Respondent was known to the University. In such instances, where the identity of a Respondent is known but the victim has not chosen to pursue a formal investigation, the University must carefully balance competing concerns. The University always attempts to respect a victim's desire 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 victim(s), other complaints against the Respondent, and the risk to the campus community, warrant initiating an investigation despite a victim's wishes.

In others instances, the only information we had was that the potential Respondent was a "student." In such cases, the University provided resources and options to the potential Complainant, and then reviewed the information that was known at that time to determine what, if anything, the University could do. Reports falling into either of these categories are listed below.

	TYPE OF REPORT	DESCRIPTION	UNIVERSITY RESPONSE OR OUTCOME
1	Sexual Misconduct	3rd party report of student who was victim of misconduct by another student.	Insufficient information to proceed without victim participation, or against victim's wishes.
2	Dating or Domestic Violence	3rd party report of student who was abused by another student.	Resources and accommodations provided. Insufficient information or indicia of risk to proceed without victim participation, or against victim's wishes.
3	Sexual Misconduct/ Rape	Report of student raped by another student.	Resources provided and assisted student with securing accommodations. Insufficient information or indicia of risk to proceed without victim participation, or against victim's wishes.

4	Stalking	3rd party report of student being stalked by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
5	Sexual Misconduct/ Rape	Report of student who was raped by another student.	Resources provided and assisted student with securing accommodations. Insufficient information or indicia of risk to proceed without victim participation, or against victim's wishes.
6	Sexual Misconduct/ Sexual Assault	3rd party report of a student who was assaulted by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
7	Sexual Misconduct/ Sexual Battery	3rd party report of a student who had been sexually battered by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
8	Sexual Misconduct/ Sexual Assault; Stalking	Report of student who had been assaulted and stalked by another student.	Resources provided and accommodations discussed with student. Insufficient indicia of risk or information to proceed without victim participation, or against victim's wishes.
9	Sexual Misconduct/ Sexual Assault	Report of student who was sexually assaulted by another student.	Resources provided and student assisted with accommodations. Insufficient information to proceed without victim participation, or against victim's wishes.
10	Sexual Misconduct/ Rape; Sexual Battery	3rd party report of a student raped and sexually battered by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
11	Sexual Misconduct/ Rape	3rd party report of student who was raped by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
12	Dating or Domestic Violence	3rd party report of student who was abused by another student.	Resources provided. Insufficient indicia of risk or information to proceed without victim participation, or against victim's wishes.
13	Sexual Misconduct/ Sexual Assault	3rd party report of a student who had been assaulted by another student.	Resources provided. Insufficient indicia of risk or information to proceed without victim participation, or against victim's wishes.
14	Dating or Domestic Violence	3rd party report of student who was abused by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
15	Sexual Misconduct / Rape	3rd party report of student who was raped by another student.	Resources provided. Insufficient indicia of risk or information to proceed without victim participation, or against victim's wishes.
16	Sexual Misconduct/ Rape	Report of student who was raped by another student.	Resources provided. Avenues for support discussed with student. Insufficient indicia of risk or information to proceed without victim participation, or against victim's wishes.
17	Sexual Misconduct/ Sexual Assault	3rd party report of a student who was assaulted by another student.	Resources provided. Insufficient indicia of risk or information to proceed without victim participation, or against victim's wishes.



18	Sexual Misconduct/ Rape	Report of student who was raped by another student.	Resources provided. Insufficient information to proceed without victim participation, or against victim's wishes.
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## **Conclusion**

The above report does not capture the whole picture as to how many incidents are taking place in our community, but rather is only representative of what was reported to the Title IX office. This is the third straight year that we have seen an increase in reports made to our office concerning Sexual Misconduct, Dating and Domestic Violence, and Stalking, though this year the number of reports seems to have levelled off.

I would encourage everyone who reads this report to also consider the information shared and gathered through the Chico Speaks climate survey. A preliminary report was released in April 2019, and the full report will be released in October 2019. The data highlights the importance of our office and campus partners' efforts to bring awareness to the community on these matters, to build skills geared toward prevention, and to ensure that the resources available on campus are able to effectively serve those who seek our services. Safe Place, our campus department whose mission "is to support and advocate for victims and survivors of sexual assault, intimate partner violence, and stalking through crisis intervention, prevention education, resources, and referrals," recently recruited for a second advocate for the office. The need for those services is well demonstrated by the data above and collected in the survey.

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, and does so in a manner that is sensitive to the emotional cost for those involved.