



## 2020-2021 Title IX Annual Report Cal Poly Pomona



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### [A Message from Cal Poly Pomona's Title IX Coordinator](#)

Dear Broncos,

After more than a year of reimagining the way we learn, work, and socialize, we have emerged amid the shadows of the unprecedented COVID-19 pandemic stronger than ever as a campus community. The resiliency shown by our students, faculty, and staff during this time truly underscores the vision of Cal Poly Pomona to be the model for an inclusive polytechnic university that inspires creativity and innovation, embraces local and global challenges, and transforms lives.

On behalf of the Office of Equity and Compliance (OEC), I am pleased to share with you the 2020-2021 Annual Title IX Report. This annual report demonstrates OEC's continued commitment to keeping our campus safe during these challenging times and serves as a reminder of the tireless work conducted by the OEC staff to ensure that all reports are addressed with the utmost diligence and efficiency.

This is the sixth annual Title IX report produced by OEC in accordance with CSU Executive Order 1095 to provide greater transparency of the myriad of sexual misconduct matters handled by our office. To protect the privacy of the parties involved, the report does not fully convey the complexity and details of circumstances associated with cases and may appear brief in narrative descriptions. Similarly, the report assigns complaints to general categories such as "sexual misconduct," "dating violence," "domestic violence" and "stalking" that encompass broad ranges of behavior. It is important to note that the report does not include complaints of discrimination based on gender sex, or sexual harassment, where sexual misconduct, dating violence, domestic violence or stalking were not also alleged.

I would like to take this opportunity to thank our campus partners for their efforts and collaboration to this critically important work. I look forward to building our partnership as we work together to maintain a safe and welcoming campus environment.

Sincerely,

Dawnita Franklin

Assistant Vice President/Title IX Coordinator

Office of Equity and Compliance

## Introduction

Cal Poly Pomona (CPP) is committed to creating and sustaining a positive learning and working environment, free from discrimination, including sexual misconduct, dating and domestic violence and stalking. This report presents information about complaints of sexual misconduct, dating and domestic violence and stalking reported to the Office of Equity and Compliance (OEC) and the actions taken to address those allegations for the reporting period of July 1, 2020 to June 30, 2021.

On May 6, 2020, the United States Department of Education, Office for Civil Rights (OCR) issued and amended Title IX Regulations (Title IX Regulations) implementing Title IX of the Education Amendments of 1972. As of their effective date, August 14, 2020, and unless and until they are rescinded, the Title IX Regulations have the force of law, and all U.S. higher education institutions who receive federal funds, including the CSU, are obligated to comply with the Title IX Regulations. The procedures under Executive Orders 1096 and 1097 are what we call a “single investigator model.” This means that an Investigator interviews the Parties and witnesses, gathers any documentary evidence and decides whether or not the Respondent violated the policy. This means that there is no hearing in cases addressed using the single investigator model. CSU Executive Orders 1096 and 1097, Addendum A, all reports prior to August 14, 2020, include the option to resolve concerns of potential sexual misconduct, dating and domestic violence and stalking through the Early Resolution process. Those cases resolved by Early Resolution are included in this report. Reports after August 14, 2020, CSU Executive Orders 1096 and 1097, Addendum B: Federally Mandated Hearing Addendum, replaces the investigation and resolution process.

**To initiate the Informal Resolution Process.** The Complainant should contact the Campus DHR Administrator (Discrimination, Harassment, or Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking) who shall promptly meet with the Complainant to discuss his or her concern and possible resolutions as appropriate.

Complainants shall be informed about the range of possible outcomes, including Supportive Measures or disciplinary actions that might be taken against the Respondent, and information about the procedures leading to such outcomes.

**Participation in the Informal Resolution Process.** Participation is voluntary. It may include an inquiry into the facts, but does not include an investigation. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the Parties, a resolution facilitated by the DHR Administrator or Title IX Coordinator, separating the Parties, referring one or both of the Parties to counseling programs, an agreement between Campus and the Respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing Remedies to persons harmed by violations of this policy.

Addendum A: State Mandated Hearing Addendum (“Addendum A”) applies only when: a) The case involves a student Respondent; b) who is accused of sexual misconduct, or dating or domestic violence; and c) who is facing a severe disciplinary sanction if found responsible; and d) where the credibility of the Parties and/or any witnesses is at issue. Cases processed under Addendum A do involve a hearing (where the case is not resolved through Informal Resolution), but these hearings are different in that only the Hearing Officer may ask the Parties and witnesses questions, whereas in

an Addendum B hearing, it is the Parties' Hearing Advisors and the Hearing Officer who may ask these questions.

**This report presents information regarding fifty-one (51) reports of sexual misconduct, dating and domestic violence, and stalking.** These 51 reports include 54 different allegations. This means that some individuals reported multiple allegations (*e.g.* one individual reported allegations of stalking, dating violence, and sexual misconduct). It remains challenging to identify meaningful statistical trends from the information in the reports. Additionally, the report captures information regarding known allegations; without additional information about unreported incidents of sexual misconduct on our campus, it is challenging to draw conclusions about patterns and trends.

The ongoing engagement of the CPP community is essential to our efforts to prevent sexual misconduct in our community and to maintain a safe and respectful campus. Your questions, comments, and concerns are always welcome. You may contact the OEC by calling (909) 869-4646.

### Policies

The following CSU policies were in effect during the reporting period:

- [CSU Executive Order 1095](#), the Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking Policy
- [CSU Executive Order 1096](#), the Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties
- [CSU Executive Order 1097](#), the Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students

### Definitions

For purposes of this report and in accordance with [CSU Executive Order 1097 \(2021\)](#), **“Student”** refers to a Cal Poly Pomona student, an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.

**Employee** means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties.

**Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations, unpaid interns, volunteers, independent contractors, vendors, and their employees, and visitors Sexual Misconduct encompasses a wide variety of behavior, from physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, domestic

violence, dating violence and stalking (when based on gender or sex) perpetrated against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to that individual's status as a minor, use of drugs or alcohol, or disability. Sexual misconduct may include 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).

The **complainant** is the person alleged to have experienced misconduct. The **respondent** is the person alleged to have committed the misconduct.

**Dating Violence** is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim.<sup>11</sup> This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.

**Domestic Violence** is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship.

**Stalking** means a repeated course of conduct directed at a specific person (when based on gender or sex) that places that person in reasonable fear for his/her or others' safety, or causes the victim to suffer substantial emotional distress.

Whether certain behaviors constitute sexual misconduct, dating and domestic violence, and stalking depends greatly upon the circumstances surrounding the behavior. This report accounts for incidents of sexual misconduct, dating and domestic violence, and stalking concern reported to the OEC during the reporting period of July 1, 2020 to June 30, 2021.

To read more about the CSU policy and definitions discussed above, please see CSU Executive Orders 1096 and 1097, located at <https://www.calstate.edu/eo/>.

## Statistical Summary of Complaints

The University encourages a culture of reporting and hopes that every member of the CPP campus will report the occurrence of sexual misconduct, dating and domestic violence, and stalking. A report can be by a person who experienced it, who witnessed it, who has heard about it, or who otherwise has knowledge of a possible incident. We encourage reporting because it helps to ensure the safety and well-being of the entire CPP community.

<b>Cal Poly Pomona Title IX Coordinator</b>	
	Dawnita H. Franklin
	<a href="mailto:dhfranklin@cpp.edu">dhfranklin@cpp.edu</a>
	909-869-4646

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

5

**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).**

<b>Total</b>	<b>51*</b>
<b>Sexual Misconduct/Sexual Assault</b>	23
<b>Dating and Domestic Violence</b>	18
<b>Stalking</b>	13

\*There were 51 total reports that included 54 allegations.

**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.**

<b>Total</b>	<b>9*</b>
<b>Sexual Misconduct/Sexual Assault</b>	8
<b>Dating/Domestic Violence</b>	1
<b>Stalking</b>	1

\*There were 9 reports that included 10 total allegations.

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	1
Sexual Misconduct/Sexual Assault	0
Dating/Domestic Violence	0
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 a Third Party is the Respondent.	
Total	22
Sexual Misconduct/Sexual Assault	11
Dating/Domestic Violence	9
Stalking	4

\*There were 22 reports that included 24 allegations.

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	19
Sexual Misconduct/Sexual Assault	4
Dating/Domestic Violence	8
Stalking	7

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	0
Dating/Domestic Violence	1
Stalking	0



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). Please provide a total and then indicate the number of reports for each type of outcome.	
<b>Total</b>	<b>26</b>
Informal Resolution prior to investigation commencing	7
Informal Resolution while investigation was in process, or after investigation completed (prior to a finding being made)	3
Complainant requested resources and/or supportive measures only	4
Complainant did not respond to outreach and insufficient information to move forward	9
Complainant elected to remain confidential so unable to send outreach	2
<b>Other Outcome</b>	<b>1*</b>

\*Outside OEC jurisdiction as Respondents' were non-CPP affiliated

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). Please provide a total and then indicate the number of reports for each type of outcome.	
<b>Total</b>	<b>18</b>
Informal Resolution prior to investigation commencing	1
Informal Resolution while investigation was in process, or after investigation was completed (prior to a finding being made)	0
Complainant requested resources and/or supportive measures only	6
Complainant did not respond to outreach and insufficient information to move forward	11
Complainant elected to remain confidential so unable to send outreach	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). Please provide a total and then indicate the number of reports for each type of outcome.

<b>Total</b>	<b>13</b>
Informal Resolution prior to investigation commencing	2
Informal Resolution while investigation was in process, or after investigation was completed (prior to a finding being made) investigation was 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	8
Complainant elected to remain confidential so unable to send outreach	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. Please provide a total and then indicate the number of cases for each type of discipline. For combination forms of discipline (e.g., Suspension of less than one year and Educational training) or forms of discipline not listed, please use the "Other" boxes, and specify the form/s of discipline and a number.

<b>Total</b>	<b>0</b>
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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. Please provide a total and then indicate the number of cases for each type of discipline. For combination forms of discipline (e.g., Suspension of less than one year and Educational training) or forms of discipline not listed, please use the "Other" boxes, and specify the form/s of discipline and a number.

<b>Total</b>	<b>1</b>
<b>Other</b>	1 2-year suspension (or until C graduates) from all 23 CSUs; permanent transcript notation; campus ban during susp. period; reflective paper; readmission interview with Title IX Office; and no contact order.

The number of Stalking investigations during the reporting period (July 1, 2020 to June 30, 2021) in which the Respondent was held responsible. Please provide a total and then indicate the number of cases for each type of discipline. For combination forms of discipline (e.g., Suspension of less than one year and Educational training) or forms of discipline not listed, please use the "Other" boxes, and specify the form/s of discipline and a number.

<b>Total</b>	<b>0</b>
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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.

<b>Total</b>	<b>0</b>
<b>Sexual Misconduct/Sexual Assault</b>	<b>0</b>
<b>Dating/Domestic Violence</b>	<b>0</b>
<b>Stalking</b>	<b>0</b>

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

<b>1</b>
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