

Cal Poly Pomona  
Sexual Misconduct  
Annual Report  
July 2015 - June 2016

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CAL POLY POMONA

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Office of Equity, Inclusion and Compliance (formerly known as the Title IX Office)  
October 1, 2016

## Introduction

This report presents information about allegations of sexual misconduct, dating and domestic violence, and stalking brought to the attention of University officials and the actions taken by the University to address those allegations. More specifically, this report includes descriptions of all complaints brought forward between July 1, 2015, and June 30, 2016.

This report contains allegations in both statistical and narrative formats and is organized according to the office or department that addressed the complaint most recently and/or definitively: The Office of Equity, Inclusion and Compliance (OEIC), Human Resource Services, Housing Services, Judicial Affairs, and the Cal Poly Pomona University Police Department.

For purposes of this report and in accordance with CSU Executive Order 1097 (2015), "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.

Because of privacy obligations, the report cannot fully convey the complexity and specifics of circumstances associated with cases that may appear similar in the brief narrative descriptions. Likewise, the report assigns complaints to general categories such as "sexual misconduct," "dating violence," "domestic violence" and "stalking" that encompass broad ranges of behavior. This is primarily because the report is required to protect the privacy of the individuals involved and as such, it cannot provide a public forum for discussion of specific cases. Moreover, the report does not contain allegations relating to sexual discrimination or sexual harassment.

**The current report presents information about forty-two (42) allegations of sexual misconduct, dating and domestic violence, and stalking.** 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.

This is the first annual campus report under CSU Executive Order 1095 (2015).

The ongoing engagement of the Cal Poly Pomona (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 Office of Equity, Inclusion and Compliance at [lmhoos@cpp.edu](mailto:lmhoos@cpp.edu) or schedule a meeting by calling (909) 869-2708.

### I. What is Sexual Misconduct?

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).

**i. Dating Violence**

Dating Violence is a form of sexual misconduct and 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. This may include someone the victim just met; *i.e.*, at a party, introduced through a friend, or on a social networking website.

**ii. Domestic Violence**

Domestic Violence is a form of sexual misconduct and is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser 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. Abuse does not include non-physical, emotional distress or injury.

**iii. Stalking**

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 every incident of sexual misconduct, dating and domestic violence, and stalking concern reported to the Office of Equity, Inclusion and Compliance (and other respective University offices) during the period of July 1, 2015 to June 30, 2016.

To read more about the CSU policy and definitions discussed above, please see CSU Executive Order 1096 (2015) and 1097 (2015).

**II. Statistical Summary of Complaints**

The University encourages a culture of reporting and hopes that every member of the Cal Poly Pomona 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 Cal Poly Pomona community.

The complainant is the person who reported having experienced misconduct. The respondent is the person alleged to have committed the misconduct.

**(1) Unresolved Reports**

The number of unresolved reports that were pending on July 1, 2015 is zero (0).

**(2) Reports Received**

(a) Student Respondent

The number of sexual misconduct, dating and domestic violence, and stalking reports received in which a Student is a Respondent is twenty-five (25). **Please note that this chart includes one sexual misconduct report which is not reflected in the other columns (i.e., “Number of Cases Investigated by CPP,” “Number of Cases Investigated by Another Campus,” and “Number of Cases Where No Investigation Occurred”) because it is pending investigation.**

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Investigated by Another Campus	Number of Cases Where No Investigation Occurred
Sexual Misconduct	14	9	0	4
Dating/Domestic Violence	6	3	0	3
Stalking	5	0	1	4
<b>TOTAL</b>	<b>25</b>	<b>12</b>	<b>1</b>	<b>11</b>

The following highlights the number of investigations conducted by CPP wherein there was insufficient evidence to establish a violation of the CSU Executive Order.

	Number of Cases Investigated by CPP	Number of Cases Where There Was Insufficient Evidence
Sexual Misconduct	9	2
Dating/Domestic Violence	3	1
Stalking	0	0
<b>TOTAL</b>	<b>12</b>	<b>3</b>

(b) Employee Respondent

CPP did not receive any sexual misconduct, dating and domestic violence, and/or stalking reports against a CPP employee for the period of July 1, 2015 to June 30, 2016.

(c) Third Party Respondent

The number of sexual misconduct, dating and domestic violence and stalking reports received in which a Third Party is a Respondent is nine (9).

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Investigated by Another Campus	Number of Cases Where No Investigation Occurred	Number of Cases Where There Was Insufficient Evidence
Sexual Misconduct	6	0	1	5	N/A
Dating/Domestic Violence	2	0	0	2	N/A
Stalking	1	0	0	1	N/A
<b>TOTAL</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>8</b>	<b>N/A</b>

(d) Unknown

The number of sexual misconduct, dating and domestic violence and stalking reports received in which the Respondent's status is unknown is eight (8).

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Investigated by Another Campus	Number of Cases Where No Investigation Occurred	Number of Cases Where There Was Insufficient Evidence
Sexual Misconduct	5	0	0	5	N/A
Dating/Domestic Violence	2	0	0	2	N/A
Stalking	1	0	0	1	N/A
<b>TOTAL</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>N/A</b>

**(3) Sexual Misconduct, Dating or Domestic Violence, and Stalking Reports Which Were Investigated**

The number of sexual misconduct, dating and domestic violence, and stalking reports investigated by CPP is twelve (12). (Please note, this number does not include the one (1) pending case). This number also does not include two (2) cases which were investigated by other campuses.

**(4) Sexual Misconduct, Dating or Domestic Violence, and Stalking Reports Resolved When No Investigation Occurred**

The number of sexual misconduct, dating and domestic violence, and stalking reports resolved without an investigation is twenty-seven (27).

	<b>Complainant</b>	<b>Respondent</b>	<b>Category of Misconduct Reported</b>	<b>Description of Actions Taken</b>
1	CPP Student	CPP Student	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
2	CPP Student	CPP Student	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
3	CPP Student	CPP Student	Dating violence	Early Resolution was reached. Respondent agreed to a no contact order, not to engage in any similar objectionable behaviors and to participate in sexual misconduct education.
4	CPP Student	CPP Student	Sexual Misconduct	Early Resolution was reached. Respondent agreed to limit communications with the Complainant to coursework matters only.
5	CPP Student	CPP Student	Sexual Misconduct	Early Resolution was reached. Respondent agreed to a no contact order, to not engage in any similar objectionable behavior, attend counseling sessions, attend Alcoholics Anonymous, and to be placed on disciplinary probation for 2 quarters.
6	CPP Student	CPP Student	Stalking	Early Resolution was reached. Respondent agreed to a no contact order and to not engage in any similar objectionable behavior.
7	CPP Student	CPP Student	Stalking	Early Resolution was reached. Respondent agreed to a no contact order, to not engage in any similar objectionable behavior and to refrain from partnering with the Complainant for future lab work.
8	CPP Student	CPP Student	Domestic Violence	Initial evaluation of complaint determined that complaint did not fall within the scope of Executive Order 1097.

9	CPP Student	CPP Student	Stalking	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
10	CPP Student	CPP Student	Dating Violence	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation. Additional training for Respondent to be imposed.
11	CPP Student	CPP Student	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Respondent's student status was terminated. Insufficient evidence to initiate investigation.
12	CPP Student	Third Party	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.
13	CPP Student	Third Party	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.
14	CPP Student	Third Party	Dating Violence	Complainant declined to speak with OEIC. Insufficient evidence to open an investigation.
15	CPP Student	Third Party	Dating Violence	Complainant was connected to Survivor Advocate and did not contact OEIC.
16	CPP Student	Third Party	Sexual Misconduct	Complainant declined to pursue a Title IX investigation since matter was handled by law enforcement.
17	CPP Student	Third Party	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
18	CPP Student	Third Party	Stalking	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
19	CPP Student	Third Party	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
20	CPP Student	Unknown	Dating Violence	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.
21	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.

22	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
23	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
24	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
25	CPP Student	Unknown	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
26	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
27	CPP Student	Unknown	Domestic Violence	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.

**(5) Sexual Misconduct, Dating or Domestic Violence, and Stalking Investigations Where Respondent was Held Responsible**

The number of sexual misconduct, dating and domestic violence, and stalking investigations which resulted with the Respondent being held responsible is nine (9). (Please note, this number does not include the one (1) pending investigation case).

	<b>Complainant</b>	<b>Respondent</b>	<b>Category of Misconduct Reported</b>	<b>Description of Final Sanction</b>
1	CPP Student	CPP Student	Sexual Misconduct	Respondent expelled from the CSU system.
2	CPP Student	CPP Student	Sexual Misconduct	Respondent expelled from the CSU system.
3	CPP Student	CPP Student	Sexual Misconduct	Respondent expelled from the CSU system.
4	CPP Student	CPP Student	Sexual Misconduct	Respondent expelled from the CSU system.
5	CPP Student	CPP Student	Sexual Misconduct	Respondent expelled from the CSU system.
6	CPP Student	CPP Student	Sexual misconduct	Respondent was placed on suspension for 2 quarters and disciplinary probation thereafter. No contact order in place.



7	CPP Student	CPP Student	Sexual Misconduct	Respondent expelled from the CSU system.
8	CPP Student	CPP Student	Dating Violence	Sanctions Pending
9	CPP Student	CPP Student	Dating Violence	Sanctions Pending

**(6) Sexual Misconduct, Dating or Domestic Violence, and Stalking Investigations Where Evidence was Insufficient to Hold Respondent Responsible**

The number of sexual misconduct, dating and domestic violence, and stalking investigations in which the evidence was found insufficient to hold the Respondent responsible is three (3). (Please note, this number does not include the one (1) pending investigation case).

**(7) Number of Sexual Misconduct, Dating or Domestic Violence and Stalking Investigations Pending At the End of June 30, 2016**

There is one pending sexual misconduct investigation as of June 30, 2016.

<b>Complainant</b>	<b>Respondent</b>	<b>Category of Misconduct Reported</b>	<b>Date Filed</b>	<b>60 Working Days (WD) Deadline</b>
CPP Student	CPP Student	Sexual Misconduct	5/20/16	8/29/16

**III. Education and Prevention Measures**

Cal Poly Pomona is aware of research indicating that incoming students are particularly vulnerable to Sexual Misconduct during their first several weeks on campus. As such, all incoming students are required to participate in an interactive on-line program that relies on prevention theories and educational strategies to help students understand the many aspects of sexual assault and alcohol issues. Topics covered include common myths about sexual assault and rape, the definition of consent, the link between sexual assault and alcohol, and bystander intervention.

During orientation, all first-year and incoming transfer students attend the Cal Poly Pomona orientation program. This program includes a presentation on campus sexual assault and violence prevention. The presentation includes myths around rape culture, warning signs of domestic violence, how to help a friend who has been affected by sexual assault or relationship violence, and other issues related to sexual and dating violence.

This spring, all continuing students were required to participate in on-line training that focused on sexual harassment, sexual assault, dating/domestic violence, stalking, and bystander intervention. Cal Poly Pomona has also offered this or similar programming to new and existing faculty and staff.

In addition to these efforts, there are a variety of in-person educational sessions customized to specific groups, such as student athletes and athletics administrators, housing staff and resident advisors, and members of our campuses' Greek community.

#### **IV. Conclusion**

For more information, including definitions, resources, and a more detailed overview of the processes available under the Cal State University Executive Orders, or to report an incident of Sexual Misconduct, please visit: <http://www.cpp.edu/~title-ix/index.shtml>. Please contact the Title IX Coordinator with any questions or concerns at:

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