
CAL POLY POMONA

**Annual Title IX Report
July 1, 2018 to June 30, 2019**



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 Institutional Equity and Compliance (OIEC) and the actions taken to address those allegations for the reporting period of July 1, 2018 to June 30, 2019.

This is the fourth annual Title IX campus report under CSU Executive Order 1095 (2015). To protect the privacy of the parties involved, the report cannot fully convey the complexity and details of circumstances associated with cases and may appear brief in narrative descriptions. For the same reason, the report assigns complaints to general categories such as “sexual misconduct,” “dating violence,” “domestic violence” and “stalking” that encompass broad ranges of behavior. Moreover, the report does not include complaints of discrimination based on gender or sex, or sexual harassment, where sexual misconduct, dating violence, domestic violence or stalking were not also alleged.

CSU Executive Orders 1096 and 1097 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.

Complainants who believe they have experienced Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking may initiate the **Early Resolution** process prior to or instead of filing a Complaint, after filing a complaint, or during the investigation process, including during hearing proceedings. The Early Resolution process is available at any time throughout the investigation process prior to issuance of the investigation outcome or if applicable, prior to the issuance of the hearing officer’s report. The purpose of the Early Resolution process is to explore whether the Complainant’s concern can be resolved by the Campus in a prompt, fair, and reasonable manner without an investigation or prior to the issuance of the investigation outcome or hearing officer’s report.

Not all reports of sexual misconduct, dating and domestic violence and stalking are made by someone seeking to use the complaint or Early Resolution procedure. As such, OIEC responds to such reports by providing information regarding a person’s rights, options, and resources, but may determine that the information provided is insufficient to warrant an investigation. Circumstances where OIEC may not initiate an investigation can include: a person who reports to the University Police Department but invokes confidentiality, persons who decline to identify the respondent or who provide insufficient information for the office to determine the identity of the respondent, and those matters where OIEC, on balance, can honor a request for confidentiality or refusal to move forward with a formal complaint.

This report presents information regarding seventy-one (71) allegations of sexual misconduct, dating and domestic violence, and stalking reported by 66 individuals. 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 OIEC 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

CSU Executive Orders 1096 and 1097 were revised on March 29, 2019. As such, the governing policy, including applicable definitions, is based on the CSU Executive Order that was in effect when the alleged incident of sexual misconduct occurred. The applicable procedures for investigating allegations of sexual misconduct are determined by the Executive Order that was in effect at the time of the filed complaint.

Definitions

For purposes of this report and in accordance with [CSU Executive Order 1097 \(2019\)](#), **“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 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.

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.

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 OIEC during the reporting period of July 1, 2018 to June 30, 2019.

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.

(1) Pending Cases

The number of cases that are pending on the date of submission of this report, October 1, 2019, is five (5). Four are pending investigations in the fact-gathering process and one is a completed investigation pending appeal to the Chancellor’s Office regarding the Hearing Officer’s decision. These matters are referred to as “pending investigations” throughout the remainder of the annual report.

(2) Reports Received

(a) Student Respondent

The number of sexual misconduct, dating or domestic violence, and stalking reports received in which a Student is a Respondent is **twenty-three (23)**.¹ Please note that in the below table, the “Number of Allegations” column includes the **four (4)** pending investigations.

Title IX Category	Number of Allegations
Sexual Misconduct	12
Dating/Domestic Violence	3
Stalking	10
TOTAL	25²

The following highlights the number of formal investigations *completed* or resolved via Early Resolution by CPP in the reporting period against a Student Respondent. Note: Four of the six complaints were filed in the 2017 – 2018 reporting period and two were filed in the 2018 – 2019 reporting period.

Title IX Category	Number of Complaints Filed	Complaints Resolved Via Early Resolution Complaints	Investigations Where There was Insufficient Evidence to Find a Violation	Investigations Where There was Sufficient Evidence to Find a Violation
Sexual Misconduct	5	2	1	2
Dating/Domestic Violence	1	1	0	0
Stalking	0	0	0	0
TOTAL	6³	3	1	2

¹ Some student respondents had multiple allegations reported against them. Therefore, there were a total of 25 sexual misconduct, dating or domestic violence, and stalking allegations reported against 23 student respondents.

² See above footnote.

³ There were six (6) complaints filed/investigations total involving student respondents; however, three were resolved via early resolution. Three investigations went through the entire investigation process with two resulting in a violation and one resulting in no violation.

The following provides disciplinary/sanction information for the two investigations where a violation was found.

Allegation/Violation	Discipline/Sanction
Sexual Misconduct	<ul style="list-style-type: none"> • Disciplinary Probation • Resignation from Leadership Position • No Contact with Complainant • Additional Title IX Training • Reflection Paper • Apology Letter
Sexual Misconduct	<ul style="list-style-type: none"> • One-semester Suspension • Additional Title IX Training • No Contact with Complainant • Reflection Paper

The following provides information regarding the agreed upon terms for the three complaints resolved via Early Resolution.

Allegation/Violation	Discipline/Sanction
Sexual Misconduct	<ul style="list-style-type: none"> • Disciplinary Probation • No Contact with Complainant • Additional Title IX Training
Sexual Misconduct	<ul style="list-style-type: none"> • Additional Title IX Training
Dating Violence/Domestic Violence	<ul style="list-style-type: none"> • One semester suspension • Additional Title IX Training • No Contact with Complainant • Reflection Paper

(b) Employee Respondent

CPP received a total of **three (3)** sexual misconduct, dating or domestic violence, and stalking reports against a CPP employee (includes staff and faculty) for the period of July 1, 2018 to June 30, 2019 with **zero (0)** complaints filed/investigations. There was **one (1)** pending investigation from the 2017 – 2018 reporting period that was completed during the 2018 – 2019 reporting period. That investigation resulted in a finding of no violation of CSU EO 1097.

Title IX Category	Number of Reports	Number of Complaints Filed	Number of Reports Resolved Without an Investigation
Sexual Misconduct	0	0	0
Dating/Domestic Violence	1	0	1
Stalking	2	0	2
TOTAL	3	0	3

(c) Third Party Respondent

The number of sexual misconduct, dating or domestic violence, and stalking reports received in which a Third Party is a Respondent is **twenty-seven (27)**.⁴

Title IX Category	Number of Reports	Number of Complaints Filed	Number of Reports Resolved Without an Investigation
Sexual Misconduct	13	0	13
Dating/Domestic Violence	8	0	8
Stalking	9	0	9
TOTAL	30	0	30

(d) Unknown or Not Disclosed

The number of sexual misconduct, dating and domestic violence and stalking reports received in which the Respondent's status is unknown or not disclosed is **thirteen (13)**.

Title IX Category	Number of Reports	Number of Cases Investigated by CPP	Number of Reports Resolved Without an Investigation
Sexual Misconduct	7	0	7
Dating/Domestic Violence	4	0	4
Stalking	2	0	2
TOTAL	13	0	13

⁴ Some third-party respondents had multiple allegations reported against them. Therefore, there were a total of 30 sexual misconduct, dating or domestic violence, and stalking allegations reported against 27 third-party respondents.

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

Of the 66 sexual misconduct, dating/domestic violence, and/or stalking reports received within the reporting period of July 1, 2018 – June 30, 2019, **six (6)** complaints were filed. Four of the six complaints are pending investigations. Two were resolved via Early Resolution. This number does not include the one **(1)**⁵ sexual misconduct investigation considered pending the appeal decision to the Chancellor’s Office. This pending matter was included in the prior annual report for reporting period of 2017 -2018.

The following highlights the six (6) complaints filed within the reporting period and their respective allegations.

Allegations	Complaints Filed
Sexual Misconduct	5
Sexual Misconduct; Dating Violence, and Stalking	1

⁵ Four cases are in the fact-gathering stage and one case is pending appeal to the Chancellor’s Office where the Hearing Officer found no violation of CSU EO 1097 (March 2019).

(4) Sexual Misconduct, Dating or Domestic Violence, and Stalking Reports Resolved Without an Investigation

The number of sexual misconduct, dating and domestic violence, and stalking reports resolved without investigation is **sixty-two (62)**.⁶ The following chart summarizes the actions taken by OIEC in response to these 62 reports. Except in those reports wherein the Complainant’s identity was unknown or where a police report indicated that the complainant invoked confidentiality pursuant to California Penal Code section 293⁷ and California Government Code section 6254,⁸ OIEC made attempts to contact the Complainant via campus email and/or phone, and at a minimum, provided information about rights and options, as well as on and off campus resources.

Description of Resolution or Actions Taken	Number of Reports
Complainants responded to OIEC, were provided with information regarding rights, options, and resources, and ultimately declined to meet with OIEC and/or to file a complaint	16
Matters resolved via Early Resolution including: <ul style="list-style-type: none"> • providing Title IX letter of support for accommodations, • implementation of Mutual No Contact Directive between Parties, • direct referral to Survivor Advocate, UPD, or other resource; • assistance with withdrawal of classes or class changes • assistance with housing accommodations • assistance with transfer to another CSU/institution 	23
Complainants provided with information regarding their rights and options, as well as on and off-campus resources, and ultimately did not respond to OIEC’s contact.	23
Total	62
Formal investigations (pending investigations)	4
Total	66 ⁹

⁶ Of the 66 reports, there are four pending investigations. As such, 62 reports were resolved during this reporting period.

⁷ California Penal Code section 293(a) states: “Any employee of a law enforcement agency who personally receives a report from any person, alleging that the person making the report has been the victim of a sex offense, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record pursuant to Government Code section 6254.”

⁸ California Government Code section 6254(a)(2) states: “The name of a victim of any crime (those listed above) may be withhold at the victim’s request, or at the request of the victim’s parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of one or more of the crimes listed above may be deleted at the request of the victim, or the victim’s parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.”

⁹ See footnote 6.

(5) Sexual Misconduct, Dating or Domestic Violence, and Stalking Investigations Where Evidence was Sufficient to Find Respondent in Violation of CSU E.O. 1097

The number of sexual misconduct, dating and domestic violence, and stalking investigations in which the evidence was found sufficient to find a violation is **two (2)**. This number does not include the **five (5)** pending investigations as of submission of this report.

	Complainant	Respondent	Category of Misconduct Reported	Number of Investigations Where There Was Sufficient Evidence to Find a Violation of the E.O.
1	Student	Student	Sexual Misconduct	1
2	Student	Student	Sexual Misconduct	1

(6) Sexual Misconduct, Dating or Domestic Violence, and Stalking Investigations Where Evidence was Insufficient to Find Respondent Not in Violation of CSU E.O. 1097

The number of sexual misconduct, dating and domestic violence, and stalking investigations in which the evidence was found insufficient to find a violation is **two (2)**. This number does not include the **five (5)** pending investigations as of submission of this report.

	Complainant	Respondent	Category of Misconduct Reported	Number of Investigations Where There Was Insufficient Evidence to Find a Violation of the E.O.
1	Student	Student	Sexual Misconduct	1
2	Student	Staff/Faculty	Sexual Misconduct	1

(7) Number of Sexual Misconduct, Dating or Domestic Violence and Stalking Investigations Pending as of October 1, 2019

There are **five (5)** pending sexual misconduct, dating or domestic violence, and stalking investigations as of October 1, 2019. One of the five pending cases is from reporting period of 2017 – 2018.

Complainant	Respondent	Category of Misconduct Reported
Student	Student	Sexual Misconduct
Student	Student	Sexual Misconduct Dating Violence Stalking

Education and Prevention Measures

CPP 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 CPP orientation program. This program includes a presentation on campus sexual assault and violence prevention. The presentation includes information on student rights and options for reporting concerns of sexual misconduct, relationship violence, and stalking.

This fall, all incoming and continuing students were required to participate in on-line training that focused on sexual harassment, sexual assault, dating/domestic violence, stalking, and bystander intervention. CPP 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, members of our campuses' Greek community, student government leaders, club leaders, international students, and academic departments upon request.

CPP's Title IX Task Force is also committed to preventing and addressing sexual misconduct by promoting campus community education, increasing transparency and enforcement of campus policies and procedures to address sexual misconduct, and strengthening trauma-informed services for survivors through a coordinated campus response. Information about CPP's Title IX Task Force can be found at <https://www.cpp.edu/~officeofequity/titleIX/task-force.shtml>.

Conclusion

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

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