
CAL POLY POMONA

Annual Title IX Report July 2016 to June 2017



Introduction

Cal Poly Pomona (CPP) is committed to creating and sustaining a positive learning and working environment, free of 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 brought to the attention of University officials and the actions taken by the Office of Equity, Inclusion and Compliance (OEIC) to address those allegations for the reporting period of July 1, 2016 to June 30, 2017.

This is the third annual Title IX campus report under CSU Executive Order 1095 (2015). 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.

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 prior to, or instead of filing a complaint. Those cases resolved by Early Resolution are included in this 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, OEIC responds to such reports by providing information regarding a person’s rights, options, and resources, but may determine that the information is insufficient to warrant an investigation. Circumstances where OEIC 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, and those matters where OEIC, on balance, can honor a request for confidentiality or refusal to move forward with a formal complaint.

This report presents information about sixty-one (61) 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.

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 OEIC at lmhoos@cpp.edu or schedule a meeting 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 October 5, 2016. 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 \(2015\)](#), “**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.

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).

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 every incident of sexual misconduct, dating and domestic violence, and stalking concern reported to the OEIC (and other respective University offices) during the reporting period of July 1, 2016 to June 30, 2017.

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.

The complainant is the person alleged to have 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, 2016 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-six (26)**. Please note that the below two charts includes three sexual misconduct reports which are 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 these three matters were pending investigation as of June 30, 2016.

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Where No Investigation Occurred
Sexual Misconduct	11	3	5
Dating/Domestic Violence	5	1	4
Stalking	10	0	10
TOTAL	26	4	19

The following highlights the number of formal investigations *completed* by CPP in the reporting period against a Student Respondent.

	Number of Cases Investigated by CPP	Number of Cases Where There Was Insufficient Evidence to Find a Violation
Sexual Misconduct	3	2
Dating/Domestic Violence	1	1
Stalking	0	0
TOTAL	4	3

(b) Employee Respondent

CPP received **one (1)** stalking report against a CPP employee for the period of July 1, 2016 to June 30, 2017.

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Where No Investigation Occurred
Sexual Misconduct	0	0	0
Dating/Domestic Violence	0	0	0
Stalking	1	0	1
TOTAL	1	0	1

(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 **eight (8)**.

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Where No Investigation Occurred	Number of Cases Where There Was Insufficient Evidence to Find a Violation of E.O.
Sexual Misconduct	1	0	1	0

Dating/Domestic Violence	2	0	2	0
Stalking	5	0	5	0
TOTAL	8	0	8	0

(d) Unknown

The number of sexual misconduct, dating and domestic violence and stalking reports received in which the Respondent's status is unknown is **twenty-six (26)**.

	Number of Reports	Number of Cases Investigated by CPP	Number of Cases Where No Investigation Occurred	Number of Cases Where There Was Insufficient Evidence to Find a Violation of E.O.
Sexual Misconduct	15	0	15	0
Dating/Domestic Violence	9	0	9	0
Stalking	1	0	1	0
Unidentified Category	1	0	1	0
TOTAL	26	0	26	0

(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 **four (4)**. This number does not include the three (3) cases pending investigation as of June 30, 2016.

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 to Find a Violation of E.O.
Sexual Misconduct	3	2
Dating/Domestic Violence	1	1
Stalking	0	0
TOTAL	4	3

(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 **fifty-four (54)**. The following chart highlights the actions taken by the OEIC in response to each of these 54 reports. Except in those reports wherein the Complainant’s identity was unknown, OEIC made attempts to contact the Complainant via campus email and phone, and provided information about rights and options, as well as on and off campus resources.

	Complainant Status	Respondent Status	Category of Misconduct Reported	Description of Actions Taken
1	CPP Student	Unknown	Dating Violence	Complainant declined to speak with OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
2	CPP Student	CSU Student	Sexual Misconduct	No contact order was issued to Respondent. Complainant declined to pursue a Title IX investigation. Insufficient evidence to initiate investigation.
3	CPP Student	Unknown	Dating Violence	Complainant declined to identify Respondent and declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations. Insufficient evidence to initiate an investigation.
4	CPP Student	Third Party	Sexual misconduct	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations. Insufficient evidence to initiate an investigation.
5	CPP Student	CPP Student	Stalking	Early resolution reached via no contact order. Respondent agreed not to engage in similar objectionable behavior. Complainant declined to file formal complaint.
6	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
7	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
8	CPP Student	CPP Student	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.

9	CPP Student	CPP Student	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Insufficient evidence to initiate an investigation.
10	CPP Student	CPP Student	Stalking	Early Resolution was reached. Complainant and Respondent agreed to a no contact order. Respondent also agreed not to engage in similar objectionable behaviors.
11	CPP Student	Unknown	Dating Violence	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
12	CPP Student	CPP Student	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to initiate an investigation.
13	CPP Student	Third Party	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
14	CPP Student	Unknown	Unidentified Category	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
15	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
16	CPP Student	Unknown	Dating Violence	Complainant declined to speak with OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
17	CPP Student	CPP Student	Sexual Misconduct	Complainant and Respondent identities unknown. Insufficient evidence to initiate an investigation.
18	CPP Student	Third Party	Dating Violence	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
19	CPP Employee	Employee	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to initiate an investigation.
20	CPP Student	CPP Student	Stalking	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
21	CPP Student	CSU Student	Stalking	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.

22	CPP Student	Unknown	Dating violence	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
23	CPP Student	Third party	Stalking	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.
24	Unknown	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to initiate an investigation.
25	CPP Student	Third Party	Stalking	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
26	CPP Student	Third Party	Stalking	Complainant declined to pursue Title IX investigation. Wanted information about rights and options, but did not disclose details of alleged incident. Insufficient information to initiate an investigation.
27	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Insufficient information to initiate an investigation.
28	CPP Student	CPP Student	Dating Violence	Complainant declined to pursue a Title IX investigation. Insufficient information to initiate an investigation.
29	CPP Student	CPP Student	Dating Violence	Complainant declined to pursue a Title IX investigation. Insufficient information to initiate an investigation.
30	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
31	CSU Student	CPP Student	Dating Violence	Complainant declined to pursue a Title IX investigation. OEIC met with Respondent to put him on notice not to engage in any potentially similar behaviors. Forwarded to Student Conduct for further review.
32	CPP Student	Third Party	Dating Violence	Complainant declined to identify Respondent and declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations. Insufficient evidence to initiate an investigation.

33	CPP Student	Unknown	Sexual Misconduct	Complainant declined to speak with OEIC. Insufficient evidence to open an investigation.
34	CPP Student	CPP Student	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to initiate an investigation.
35	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
36	CPP Employee	Third Party	Stalking	OEIC provided Complainant with on and off campus resources, including Survivor Advocate. Insufficient information to initiate an investigation.
37	CPP Student	Unknown	Stalking	Complainant and Respondent identities unknown. Insufficient evidence to initiate an investigation.
38	CPP Student	Unknown	Dating Violence	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. OEIC assisted Complainant in obtaining accommodations. Insufficient evidence to initiate an investigation.
39	CPP Student	CPP Student	Stalking	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
40	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
41	CPP Student	CPP Student	Stalking	Early Resolution was reached. Complainant and Respondent agreed to a no contact order.
42	CPP Student	Unknown	Sexual Misconduct	Initial evaluation of complaint determined that complaint did not fall within the scope of Executive Order 1097. OEIC assisted Complainant in obtaining accommodations.
43	CPP Student	Unknown	Domestic Violence	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. OEIC referred Complainant to off-campus resources per Complainant's request. Insufficient evidence to initiate an investigation.

44	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
45	CPP Student	Unknown	Dating Violence	Complainant declined to pursue a Title IX investigation. Respondent's identity unknown. OEIC assisted Complainant in obtaining accommodations. Insufficient evidence to initiate an investigation.
46	CPP Student	Unknown	Domestic Violence	Complainant never responded to OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.
47	CPP Student	CPP Student	Stalking	Complainant never responded to OEIC. Insufficient evidence to initiate an investigation.
48	CPP Student	CPP Student	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
49	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
50	CPP Student	Unknown	Sexual Misconduct	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
51	CPP Student	CPP Student	Stalking	Complainant declined to pursue a Title IX investigation. Insufficient evidence to open an investigation.
52	CPP Student	CPP Student	Dating Violence	Complainant never responded to OEIC. Insufficient evidence to open an investigation.
53	CPP Student	Unknown	Sexual Misconduct	Complainant declined to pursue a Title IX investigation. OEIC assisted Complainant in obtaining accommodations.
54	CPP Student	Unknown	Sexual Misconduct	Complainant declined to speak with OEIC. Respondent's identity unknown. Insufficient evidence to initiate an investigation.

(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 **one (1)**. (Please note this number does not include the three (3) cases pending investigation as of June 30, 2017).

	Complainant	Respondent	Category of Misconduct Reported	Description of Final Sanction
1	CPP Student	CPP Student	Sexual Misconduct	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 **three (3)** pending investigations as of June 30, 2017).

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

There are **three (3)** pending sexual misconduct investigations as of June 30, 2017.

Complainant	Respondent	Category of Misconduct Reported	Date Filed	60 Working Days (WD) Deadline
CPP Student	CPP Student	Sexual Misconduct	5/18/17	8/28/17
CPP Student	CPP Student	Sexual Misconduct	7/6/17 (reported 6/15/17)	10/9/17
CPP Student	CPP Student	Sexual Misconduct	7/17/17 (reported 6/10/17)	10/17/17

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 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. 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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