

Date: April 10, 2019  
To: Cal Poly Pomona Students  
From: Susan Hua, Interim Title IX Coordinator & Assistant Vice President for Institutional Equity and Compliance  
CC: Soraya M. Coley, President  
Lea M. Jarnagin, Vice President for Student Affairs  
Re: Changes to Student Sexual Misconduct Investigation Procedures

I write to advise you of impending procedural changes to sexual misconduct investigations that could affect CSU students, including students at Cal Poly Pomona.

Due to recent California court of appeal decisions, CSU Executive Orders 1096, 1097, and 1098 have been revised on an interim basis as of March 29, 2019, resulting in changes to investigation and adjudication procedures for certain cases involving allegations of student sexual misconduct. The interim policy and addendum represent the California State University System's ongoing commitment to ensure a fair and thorough process, as well as to comply with changing legal requirements.

Specifically, the interim policy changes apply to cases where:

**(1)** it is alleged that a student engaged in sexual misconduct (*e.g.*, rape, sexual battery, sexual assault); **(2)** a finding of responsibility could result in a severe sanction, such as suspension or expulsion; **and (3)** credibility of any party or witness is central to the finding.

The following are some key procedural revisions of which you should be aware.

For applicable cases of sexual misconduct, the interim policy addendum establishes an **Investigation** procedure where:

- The investigator will document steps taken to gather evidence, as well as the basis for declining a Party's request to gather information;
- The investigator will share with the Parties a Preliminary Investigation Report, along with relevant evidence (redacted as necessary);
- Each Party is given a reasonable opportunity to respond to the evidence and request the investigator to ask the other Party questions; and
- The Final Investigation Report will include any relevant documentary or other tangible evidence as attachments.

The interim policy addendum further establishes the option for an **Early Resolution** process where:

- Both Parties must agree to engage in the Early Resolution process before proceeding;
- Any agreed upon remedies and disciplinary sanctions will be imposed;
- The terms of the resolution will be memorialized and signed by the Parties; and

- The resolution will be final and not appealable by either Party.

Finally, the interim policy addendum also establishes a **Hearing** procedure where:

- The Parties will be given written notice of the date, time, and location of the hearing, as well as the identity of the Hearing Officer;
- The Hearing is closed to all people except the Parties, the Parties' respective advisors, one support person per Party, appropriate witnesses while they are testifying; the Student Conduct Administrator; the Title IX Coordinator or designee; campus police; the Hearing Officer; and the Hearing Coordinator;
- The Hearing Officer controls the hearing, including making determinations on pre-hearing matters and asking questions of the Complainant, Respondent, Investigator, any University official, and any witness; and
- Advisors may not speak on behalf of a Party.

The updated and complete policy documents are posted on the CSU Chancellor's website at <http://www.calstate.edu/eo/> and are as follows:

**[EO 1096 Revised March 29, 2019](#)**

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

**[EO 1097 Revised March 29, 2019](#)**

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

**[EO 1098 Revised March 29, 2019](#)**

Student Conduct Procedures

For more information, please also review the **Interim Policy Process Map** and the **Frequently Asked Questions**, both available on the Office of Institutional Equity and Compliance website at <https://www.cpp.edu/~officeofequity/titleIX/updatecsueo.shtml>.

Please be assured that Cal Poly Pomona remains committed to addressing all reports of sexual misconduct and to providing students impacted by these procedural changes with assistance and support. The Title IX team from the Office of Institutional Equity and Compliance is available to speak with you further about the procedural changes, as well as your rights and options under these Executive Orders. We can be reached by phone at **(909) 869-4646** and by email at [officeofequity@cpp.edu](mailto:officeofequity@cpp.edu). More information is also found on our website at <https://www.cpp.edu/~officeofequity/>.

Confidential support is available to any campus community member who has experienced sexual misconduct by contacting Cal Poly Pomona's Survivor Advocate, Naomi Chu at **(909) 869-3101** or [survivoradvocacy@cpp.edu](mailto:survivoradvocacy@cpp.edu). The survivor advocate can provide support to students throughout any process in which they choose to participate, including a police investigation and/or campus investigation and hearing.