

[UMatter](#), which is a comprehensive initiative focusing on promoting positive mental health behaviors in students. The program is centered on student-to-student conversations about various healthy behaviors, including [Consent](#).

Unlike most other CSU universities, Chico State's ASR, required under the Clery Act, lists numerous primary prevention and awareness programs that are specific to Chico State. As described in ASR, this programming includes but is not limited to the following:

- Wildcats ACT (Alcohol and Consent Training) – offered to incoming residential students by WellCat Prevention and Safe Place
- Bystander Intervention Training – prevention strategies for students, staff, and faculty offered by EODR
- Domestic Violence and Sexual Assault Awareness Month Programming – offered by Safe Place, including Red Zone Awareness, Purple Thursday, Bro Talks, These Hands Don't Hurt, Student Leadership Training on Trauma Informed Responses and Healing Centered Engagement, Clothesline Project, Denim Square Workshop, and Take Back the Night
- Annual Prevention and Awareness Training – offered by EODR to student athletes, resident advisors, members of club sports, and members of fraternities and sororities to promote awareness of affirmative consent, sexual misconduct, dating violence, domestic violence, and stalking

#### **IX. Other Conduct of Concern**

As with other universities across the CSU system and nationwide, Chico State has had to grapple with conduct issues related to *other conduct of concern*. We use the term *other conduct of concern* to refer to conduct that may not rise to the level of protected status discrimination or harassment, but may nonetheless violate other university policies or be disruptive to the learning, living, or working environment. This includes, for example:

- Conduct on the basis of protected status that does not rise to the threshold of a potential policy violation because it is not severe, persistent, or pervasive
- Conduct not based on protected status, but that may implicate other policies (e.g., professionalism)
- Conduct that may not be subject to discipline because of free speech or academic freedom principles.

The university, like universities nationwide, has struggled with a response mechanism for addressing issues relating to civility, bullying, and speech (often protected) that negatively impacts constituents, and actions and words that entail misconduct but that do not relate to protected status and/or do not rise to

the level of being sufficiently persistent, severe, and/or pervasive. The feedback we received at Chico State regarding this *other conduct of concern* was that it was not being triaged effectively and that the university's response mechanisms were *ad hoc* and inconsistent, which contributed to a perception that there was a lack of accountability with respect to unprofessional behaviors.

The university has a [bias incident reporting form](#), which is administered by the [CARE Team](#). Additionally, the university, through the [Office of Equity, Diversity and Inclusion](#) also publishes hate crime reporting information and resources. Individuals with whom we spoke expressed a desire for a Chico State-specific anonymous reporting tool.

Several constituents, including administrators and faculty members, reported that there used to be a University Ombuds, but that the position was largely ineffective in part because it was not sufficiently resourced – having been staffed most recently by a rotating cast of faculty members who received course releases for serving in the role. These individuals expressed a desire for a sufficiently resourced Ombuds office. One individual asked rhetorically, “How can we shame the administration into providing a real Ombuds office with real resources? Not having a functional Ombuds Office for years has contributed to a system where people can't talk to each other in departmental meetings.”<sup>42</sup>

Additionally, as described above, EODR used to have a Director of Adaptive Resolutions who would address certain behaviors, including bias incidents, that might not have risen to the level of a policy violation but that were nonetheless concerning. That position is currently vacant, but a [search](#) is underway for a replacement.

Individuals with whom we spoke reported that faculty conduct in the classroom was a source of acute concern. They explained that the perception on campus was that “nobody wants to address the bad behavior,” and that people feel like they “need EODR's permission to engage with the [other] person,” but that “EODR can't be everywhere at once.” They reported that OAPL is not sufficiently equipped with the personnel to address “employee relations” type issues among the faculty.

Separately, at the time of our campus visit, the position of Chief Diversity Officer was vacant, leaving a hole in the university DEI efforts which, in turn, impacted the university's ability to prevent and respond

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<sup>42</sup> Although the Ombuds office no longer exists, the university still maintains a [webpage](#) for the office.

to *other conduct of concern*. We note that there is renewed optimism in this regard, as [this role has now been filled](#) by an experienced professional.

## **X. Recommendations**

In the Systemwide Report, we provide detailed recommendations for enhanced Chancellor's Office oversight and coordination of university Title IX and DHR programs. The Systemwide Report also highlights the need for collaboration between Chancellor's Office personnel and university-level Title IX and DHR professionals to ensure accountability for the effective implementation of informed and consistent frameworks. These recommendations must be read together with the recommendations set forth in the Systemwide Report.

Unless otherwise specified, the below recommendations are directed toward the university as a whole. We recommend that the Title IX Coordinator/DHR Administrator and the Campus Implementation Team work with the Chancellor's Office to map and calendar an implementation plan.

### **A. Infrastructure and Resources**

We offer the following recommendations to address infrastructure challenges at the campus level:

1. Work with the Chancellor's Office to develop a project plan for addressing gaps and implementing recommendations
2. Share existing budget line information with the Chancellor's Office, including historic and anticipated annual fees for external investigators, hearing officers, and other Title IX/DHR related resources, as well as budget line information related to the confidential campus advocates, prevention and education specialists, and respondent resources (recognizing that these resources are typically outside of the Title IX/DHR budget)
3. Map functions within the Title IX/DHR program to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis, administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses
4. Based on benchmarking and recommendations from the Chancellor's Office, identify recurring baseline (or line item) funding (both source and amount) for the Title IX/DHR program
5. Work with the Chancellor's Office to implement an enterprise-level case management system and develop protocols for consistent collection and retention of data
  - 5.1. Upgrade records management systems in Human Resources and OAPL