

- The focus on traditional employee relations functions at the CSU has shifted to the management of grievances. Traditional employee relations functions have atrophied as a result of the use of grievance processes as a first resort, resource constraints, and understaffing.

As a result of these factors, many of the 23 CSU universities lack the suite of conflict resolution services, core competencies and skills, fluency in effective responses and other resources to respond in a timely and effective manner to emergent issues. This is aggravated, as with all other issues identified in this report, by staffing and infrastructure challenges in student affairs, human resources, and faculty affairs. As a result, responding to *other conduct of concern*, often thought of as less serious in nature, is not prioritized. The lack of articulable process, training and education, sufficient resources and staffing all limit the ability to engage in consistent, informed, and coordinated responses. These deficiencies also limit the ability to track and identify repeated or escalated patterns of conduct, and hinder the opportunities to proactively intervene and respond effectively.

E. Trust Gap

We had the opportunity to engage with or hear from approximately 20,000 campus constituents across the system, including students, faculty, staff, administrators, and senior leaders. Distrust is the most common concern we heard across all constituents, including distrust of the Chancellor's Office, distrust of senior leadership, and distrust of other university constituent groups. While it is not uncommon to observe trust gaps at colleges and universities across the country, we were struck by the breadth and depth of distrust across the CSU and the potential disruptive impacts of that trust gap on the effectiveness of campus Title IX/DHR programs.

We recognize that the trust issues are particularly acute at this moment in time. We received a significant number of survey and interview responses from university constituents that referenced distrust of people, processes and systems following the high-profile concerns that arose after a number of serious incidents both at the Chancellor's Office and at individual CSU universities.

At the most basic level, some of the trust issues arise simply from lack of awareness of campus policies, resources, and the complex requirements of federal and state law, including the privacy safeguards that restrict sharing of personally identifying information. For example, students uniformly shared a lack of awareness of the specific campus resources available to them, as well as the misperception that the sole

purpose of Title IX/DHR programs is to investigate or adjudicate, with far less awareness of the availability of supportive measures and other campus resources.⁹

Separately, across the CSU – and across the country – a common perception is that individual campus administrators act to protect the interests of the institution instead of protecting students, faculty, and staff. That perception of institutional bias was palpable across the CSU, and some individuals expressed skepticism that the system or individual campuses would ever hold people in positions of power or authority accountable. Others shared their perspective that the system adopts an overly conservative and risk adverse approach driven by a fear of litigation.

Some of the trust gap is driven by factors not tied to the integrity of institutional responses, but rather, the impacts of protracted processes required by law and delays in responsiveness and time frames caused by insufficient staffing and resources. We observed how insufficient attention to care and communication creates a gap that gets filled with negative inference. We heard specific concerns about the responsiveness of Title IX/DHR professionals and the impacts of lengthy processes required under federal law. We also heard extensive concerns that centered around the perceived unfairness of university processes and sanctions, with many sharing their perception that outcomes depended on one's status or title rather than a neutral application of policy and process. In addition to the distrust caused by perceptions of the process itself, we also learned of pervasive concerns about the potential for retaliation by peers, colleagues, or the university.

Finally, we heard from many individuals who were quick to judge others' intentions, often presuming bad intent, rather than good faith. This entrenched thinking led to divisions rather than consensus building through dialogue with an earnest intent to understand. We urge the members of the CSU community to resist this default to distrust, and to instead be open to other explanations that may account for negative experiences and outcomes, including those tied to infrastructure, resources, inexperience, and legal frameworks.

The trust gap, and resulting negative perceptions about Title IX and DHR programs, increases barriers to reporting and directly impacts the CSU's ability to respond to conduct that may violate the Nondiscrimination Policy. While barriers to reporting sexual and gender-based harassment and violence

⁹ These issues were exacerbated on campuses with a high level of transition in staffing. The turnover in the Title IX Coordinator or DHR Administrator role inhibited the ability to develop awareness or interpersonal relationships that would support trust.

exist across the nation, it is incumbent on the CSU to identify and remove barriers that may be CSU-specific – including, for example, lack of awareness of resources, responsiveness, and the timeliness of resolution processes. These barriers to reporting and participating lead to unaddressed conduct (or misconduct) on campuses, which negatively impacts morale, undermines confidence in the institution, and impacts the university’s core educational mission. We recommend that the CSU, and individual universities, take action to close the trust gap through informed, consistent, and frequent communication (even when the communication is limited to explaining the constraints on transparency).

We recommend addressing the trust gap through enhanced communications and constituent engagement, as detailed more fully in the Systemwide Report.

F. Accountability Frameworks

Across the system, we observed a need for greater accountability, both for individual actors who violate university policy and for university administrators charged with the further development and maintenance of legally compliant, effective Title IX/DHR programs. The issues we have outlined throughout this report all contribute to accountability gaps. As detailed in the sections on infrastructure, prevention and education, and the trust gap, there are structural, organizational, and cultural factors that impede accountability. The factors in each of these areas, combined with accountability challenges, contribute to increased reluctance to report, decreased participation in campus processes, and limited ability for the university to take action against individuals who violate university policy. This lack of accountability allows potential misconduct to continue unabated – or to escalate – and the unaddressed conduct directly and negatively impacts culture. A foundational goal of this assessment was to identify opportunities to transform culture and climate; moving towards increased accountability is an important aspect of that work.

In the Systemwide Report, we make a number of recommendations at the system and campus level to promote accountability – both at the individual and programmatic level. Those include:

- continuing to evaluate barriers to reporting and engagement at the campus level;
- identifying and reconciling conflicts between CBAs, state statutory rights, and other state and federal requirements;
- documenting, tracking, and assessing the effectiveness of Title IX/DHR programs;
- coordinating with the Systemwide Title IX/Civil Rights Division to strengthen campus programs; and