

California State Auditor’s Recommendations for the CSU: Status Update as of August 2024

<i>State Auditor’s Recommendation</i>	<i>What the CSU has done:</i>	<i>Status</i>
<p>Recommendation #1: Issue specific guidance and resources on case intake and initial assessment to ensure that campuses consistently and appropriately justify and document their decisions about whether to conduct formal investigations.</p>	<p>The CSU finalized an intake and initial assessment checklist with protocols to standardize operations. It was provided to campuses on October 27, 2023.</p> <p>Guidance on how to use the assessment was provided on January 8, 2024.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #2: Issue guidance regarding the structure of analyses of evidence, including conducting a credibility analysis, assessing evidence against allegations and likelihood of occurrence, cumulative effect of conduct, and analysis of conduct meeting the definition of sexual harassment.</p>	<p>The CSU issued guidance to Title IX coordinators on the system’s nondiscrimination policy in June 2024. The guidance specified how investigators should perform credibility evaluations, record the thought process behind their analysis and conclusions, and how to document their analysis for each relevant component of the nondiscrimination policy.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #3: Issue guidance regarding the sexual harassment definition, including specific examples, to provide a framework for how investigators should interpret each component of the CSU’s definition of sexual harassment.</p>	<p>The CSU issued guidance for practitioners that provides a framework to assist the investigators’ interpretation of each component of the definition of sexual harassment and the guidance included specific examples.</p>	<p>Fully Implemented – Due July 2024</p>

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<p>Recommendation #4: Issue guidance regarding documented review and approval of analyses or outcomes of sexual harassment reports in order to mitigate the risk of inappropriate interference.</p>	<p>The CSU issued guidance that included a procedure for detailing the internal review of sexual harassment complaints and investigations. The guidance specifies that the Title IX coordinator will assign complaints to an internal or external investigator. Only if there are fiscal constraints or if a good reason exists will the Title IX investigator investigate a complaint.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #5: Issue a systemwide policy addressing ‘other conduct of concern’ to address conduct that does not meet the threshold of sexual harassment but is nonetheless inappropriate or unprofessional, including discipline or corrective action.</p>	<p>The CSU has developed a draft of guidance for assessing and addressing problematic behavior or unprofessional conduct.</p> <p>The draft guidance was presented to the Board of Trustees at the May 2024 meeting. Stakeholders are currently reviewing the guidance and the intention is for the feedback to be used to edit the guidance.</p> <p>The guidance will be published by January 2025.</p>	<p>PENDING DUE - January 2025</p>
<p>Recommendation #6: Issue guidance regarding the informal resolution process, including template agreement and possible resolutions, to clarify this process for universities.</p>	<p>The CSU issued guidance related to the informal resolution process. The guidance included a description of the informal resolution process, an informal agreement template, and an informal resolution information sheet.</p> <p>The guidance also includes corrective action options and other outcomes the parties can consider as part of the informal resolution.</p>	<p>Fully Implemented – Due July 2024</p>

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<p>Recommendation #7: Require all universities to track key dates and timeline extensions in a consistent manner, including developing a system for reminders and follow-up to improve timeliness of investigations.</p>	<p>The CSU issued guidance that clarifies the importance of tracking key dates and timeline extensions for complaints and investigations of sexual harassment complaints.</p> <p>The Chancellor’s Office outlined the key list of dates related to investigations and requires the campuses to adhere to the dates. A workbook was provided with how to track key elements, dates, and timelines for the investigations.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #8: Identify a solution for assessing that universities have adequate resources for conducting formal investigations, including consideration of employing a pool of dedicated systemwide investigators external to the universities.</p>	<p>The CSU issued guidance on the procedure for how to retain external investigators and provided a list of approved external investigators.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #9: Amend CSU’s sexual harassment policy to include a requirement for universities to provide regular status updates to complainants and respondents on the status of their case.</p>	<p>The CSU has a draft policy on the expectations for providing case status updates to parties. The draft policy requires an update to be issued every 30 days.</p> <p>The policy is undergoing stakeholder review, but is expected to be issued in August 2024.</p> <p>The CSU is in the process of procuring a systemwide electronic case management system.</p>	<p>PENDING – Due Date January 2025.</p>

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<p>Recommendation #10: Issue guidance about best practices for initiating, carrying out, and documenting disciplinary or corrective action after a finding of sexual harassment in order to ensure that universities are providing prompt discipline.</p>	<p>The CSU developed guidance about expectations with respect to initiating, carrying out, and documenting timely disciplinary or corrective actions after a finding of sexual harassment.</p> <p>The guidance has been shared with all CSU Title IX coordinators.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #11: Issue guidance regarding documents that must be maintained in the case file before closing the case, including documentation of the university’s initial assessment of the allegations and its rationale for whether or not to conduct an investigation.</p>	<p>The CSU developed guidance that includes list of documents that must be maintained in a sexual harassment case file before the case is closed.</p> <p>The guidance has been shared with all CSU Title IX coordinators.</p>	<p>Fully Implemented – Due July 2024</p>
<p>Recommendation #12: Require all universities to use the same electronic case management system and disseminate guidance for consistently tracking data in order to identify concerning patterns or trends.</p>	<p>The CSU is preparing to procure a systemwide electronic case management system that will serve as a repository of data for identifying trends and for reporting out data to campuses.</p> <p>The Chancellor’s Office is in the process of finalizing the criteria for a request for proposal from vendors.</p>	<p>PENDING – Due July 2026</p>

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<p>Recommendation #13: Establish a process to regularly collect and analyze sexual harassment data, including patterns, trends, and data on the timeliness of investigations systemwide.</p>	<p>The CSU established a process for regularly collecting and analyzing sexual harassment data through its annual report survey.</p> <p>The first report is due December 1, 2024</p>	<p>Partially Implemented – Due July 2024 – <i>The State Auditor concurs the CSU has created a process pursuant to the recommendation but reserves full implementation status until the Chancellor’s Office provides evidence of its analysis of sexual harassment data and any resulting findings and guidance it shares with campuses.</i></p>
<p>Recommendation #14: Create a policy for compliance reviews: all universities will now be audited by the Chancellor’s Office at least every three years to ensure compliance with the above policies among other items.</p>	<p>The CSU adopted a policy by which every campus will be “reviewed” every three years. The reviews will be conducted by the systemwide director for civil rights and will begin in the Fall of 2024.</p> <p>The first round of reviews is anticipated to be available by February 2025.</p> <p>An aggregate of the results will be published online.</p>	<p>Partially Implemented – Due July 2024 – <i>The State Auditor concurs the CSU has created a process pursuant to the recommendation but reserves full implementation status until the Chancellor’s Office provides examples of its compliance reviews and the publication of the results of the reviews.</i></p>
<p>Recommendation #15: Provide written guidance to universities reflecting comprehensive best practices for preventing, detecting, and addressing sexual harassment.</p>	<p>The CSU has created a Prevention Policy focus group to provide insights and recommendations to help inform revisions to the systemwide nondiscrimination policy, to establish “best practices,” and guidance.</p>	<p>PENDING – Due January 2025</p>

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<p>Recommendation #16: Amend the systemwide policy for letters of recommendation to prohibit official positive references for all current or former employees with findings of sexual harassment, including those who received less severe discipline than termination, or to require that such letters include a disclosure of the employee’s violation.</p>	<p>The CSU amended its policy for letters of recommendation in March 2024 to prohibit official positive references for all employees or formal employees with findings of sexual harassment.</p>	<p>Fully Implemented – Due July 2024</p>
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