



DUE PROCESS AND RIGHT TO KNOW IN CONDUCT, TITLE IX/DHR AND BIAS REPORTING PROCESSES

A Short Presentation by

Larry J. Birello, Student Rights & Responsibilities/OSC

Heather Borlase, Equity Programs & Compliance

Frederick Smith, Equity & Community Inclusion

OFFICE OF STUDENT CONDUCT

OSC Exists to make students' time at SF State safer and educational, while giving freedom and control of their destiny! (students make their own decisions, we hold them accountable)

- Not a legal process, policy enforcement
 - MUST be confidential and not shared with anyone unless in a need to know position.
 - Require FERPA waivers to speak with any other office not involved
 - 20 potential violations, found here, <https://conduct.sfsu.edu/standards>
- If there is a behavioral issue, report it ASAP using <https://conduct.sfsu.edu>. If you wait until a second incident, that educational moment is delayed
 - Two links, one behavioral, one academic. (bottom of page)
 - Write the report as clearly as possible using all the FACTS that may be helpful. Try to avoid emotions/assumptions.
- We speak directly to alleged students if we determine there is a violation of conduct.
 - MAY communicate with reporting party or witnesses, but do not share the process or developments of a case unless you are a "need to know" person. You may want to see a person suspended or expelled, but you will not know the outcome.
- We address students' behaviors as best possible for an **educational**/developmental outcome.
- A decision or process is not shared to avoid retaliatory behavior, thereby keeping you in a good spot when working with students.
- Once a student's sanction is complete, they are in good standing, we do take prior history into consideration.



WE TRY TO AVOID A SECOND MEETING. STUDENTS ARE ALLOWED TO NOT ACCEPT MY DECISION AND MOVE TO A FORMAL HEARING.

[HTTPS://CONDUCT.SFSU.EDU/OSC-RESOLUTION-PROCESS](https://conduct.sfsu.edu/osc-resolution-process)

Student sanctions do not go into effect until a student agrees to an outcome, or until the formal hearing is finalized by our VP's signature. Process could take up to 3 months! Reporters don't get to know the outcome.

OFFICE OF EQUITY PROGRAMS AND COMPLIANCE

TITLE IX AND DHR REPORTS

[HTTPS://TITLEIX.SFSU.EDU/](https://titleix.sfsu.edu/)



CONFIDENTIALITY

Information regarding the Complaint may be shared on a "need to know" basis with other Campus Employees, and with law enforcement (with the Complainant's written consent), except for some limited exceptions. (See Executive Order 1095.)



CONFIDENTIALITY: SUPPORTIVE MEASURES

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU Education Programs or Activities without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational environment.

TITLE IX AND DHR CASE RESOLUTION PROCESSES

Targeted Preventative Education Meeting



Suitable where alleged behavior is based a protected status (where applicable) or involves other prohibited conduct but **does not rise** to the level of a potential policy violation. Documented in writing and maintained by EPC.

Informal Resolution

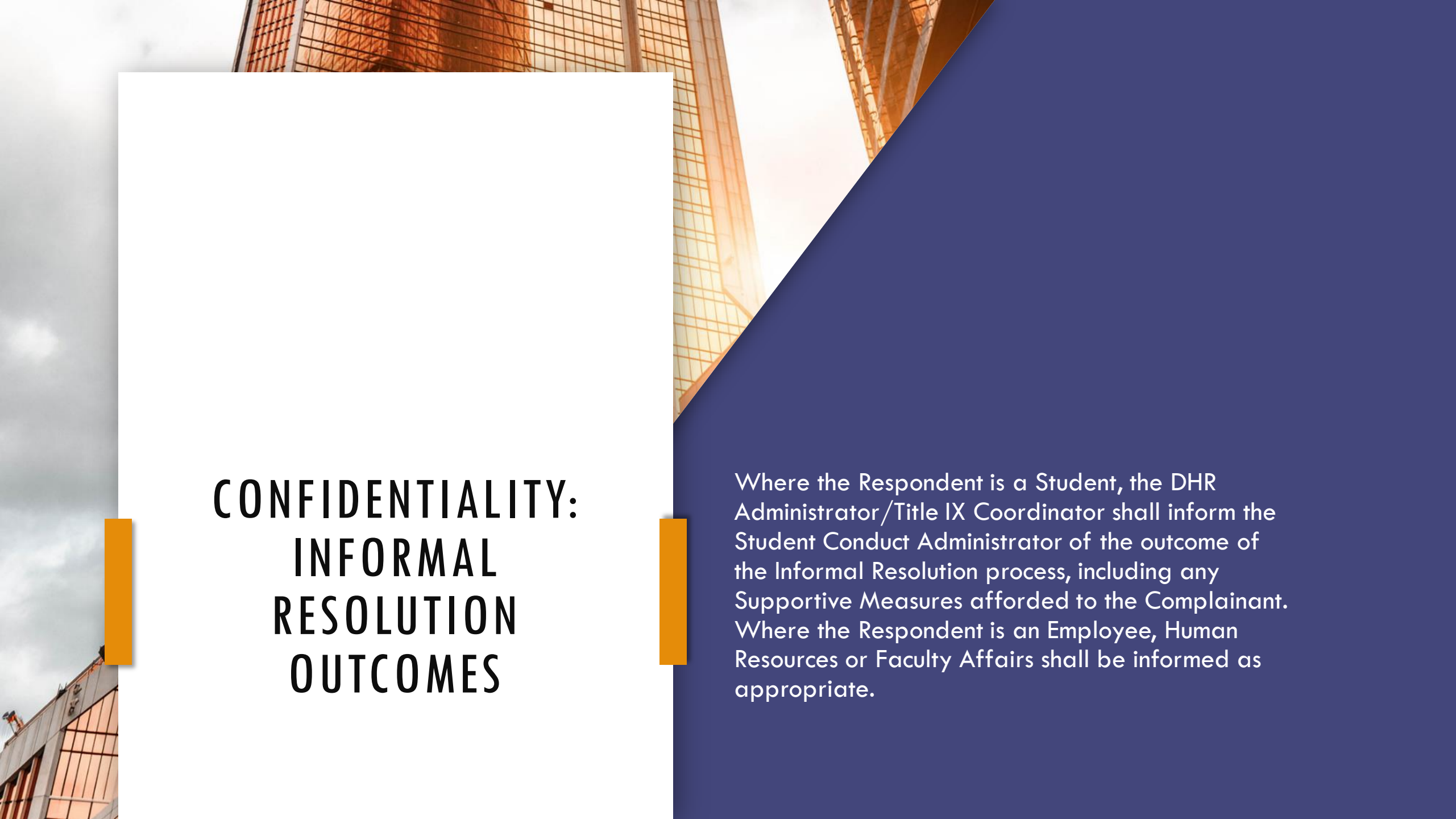


Participation is voluntary. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the Parties, a resolution facilitated by the DHR Administrator/Title IX Coordinator, separating the Parties, referring one or both of the Parties to counseling programs, an agreement between Campus and the Respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing Remedies to persons harmed by violations of this policy. Documented in writing and maintained by EPC.

Formal Investigation



Notice of Intent to Investigate places Respondent on notice of factual allegations and identifies potential policy violations. Investigators interview witnesses, examine physical evidence and documents. Findings made by single investigator or by hearing officer, depending on violation/resolution process. Documented in writing and maintained by EPC.



CONFIDENTIALITY: INFORMAL RESOLUTION OUTCOMES

Where the Respondent is a Student, the DHR Administrator/Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Informal Resolution process, including any Supportive Measures afforded to the Complainant. Where the Respondent is an Employee, Human Resources or Faculty Affairs shall be informed as appropriate.



CONFIDENTIALITY: INVESTIGATION OUTCOMES

Where a Complaint is made against a Student and Executive Order 1096 or 109 is found to have been violated, the DHR Administrator/Title IX Coordinator shall also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report. Where the Respondent is an Employee, Human Resources or Faculty Affairs shall be notified and provided a copy of the investigation report.

BIAS INCIDENT EDUCATION TEAM

[EQUITY.SFSU.EDU/CONTENT/BIAS-INCIDENT-EDUCATION-TEAM-SF-STATE](https://equity.sfsu.edu/content/bias-incident-education-team-sf-state)



BIAS INCIDENT EDUCATION TEAM

Campus Climate Work

Reporting Portal and Outlet

Reviews and Addresses Bias-Related Incidents

Educational – no role or capacity to discipline or sanction

Academic Freedom, Free Speech, and Free Expression

BIAS INCIDENT EDUCATION TEAM

Arlene Daus-Magbual, Asian American & Pacific Islander
Student Services

Carleen Mandolfo, Faculty Affairs and Professional
Development

Demond Blanton, Workers' Compensation and Loss Control
Programs

Frederick Smith, Equity & Community Inclusion (convener of the
BIET)

Larry Birello, Student Rights & Responsibilities

Patrick McFall, Residential Life

Reggie Parson, Campus Safety

Rick Nizzardini, Counseling & Psychological Services and
Residential Life

Teddy Albinak, Communication Studies, and Academic Senate
(will be seeking additional members from athletics, disabilities,
and others)

BIAS INCIDENT EDUCATION TEAM

Report Comes In

Qualtrics Report. Monday mornings.

- Create PDF
- Acknowledge receipt of report and schedule an intake meeting

Weekly / Biweekly meeting with

- Heather Borlase/Title IX & DHR
 - Carleen Mandolfo/Academic Affairs
 - Larry Birello/Student Conduct
- To triage and triangulate reports and next steps

Intake Meeting

- What to expect
 - Who I / BIET will consult with (Heather, Larry, Carleen)
 - General timeline of follow-up with person(s), that something happened, not necessarily what happened
- Supports and resources



CONFIDENTIALITY: TARGETED PREVENTATIVE EDUCATION MEETING

Students and Employees are not required, but highly encouraged, to cooperate with request to schedule a Targeted Preventative Education Meeting.

These help prevent future behaviors that could escalate to a pattern or an EO or conduct violation.

Will inform reporter that a TPEM is scheduled and/or person(s) involved in a report have been contacted.

Will not share the specifics of the TPEM conversation.

CONTACT US

LARRY BIRELLO

MANAGER FOR STUDENT RIGHTS &
RESPONSIBILITIES

EMAIL: CONDUCT@SFSU.EDU

WEB: CONDUCT.SFSU.EDU

HEATHER BORLASE

EXECUTIVE DIRECTOR OF EQUITY
PROGRAMS & COMPLIANCE

EMAIL: EQUITYPROGRAMS@SFSU.EDU

WEB: TITLEIX.SFSU.EDU

FREDERICK SMITH

ASSOCIATE VICE PRESIDENT FOR
EQUITY & COMMUNITY INCLUSION

EMAIL: EQUITY@SFSU.EDU

WEB: EQUITY.SFSU.EDU

Feel free to invite us for an individual department presentation of what we do and how we can help your team. We look forward to helping you in the future.