

Equity Programs & Compliance

THE DIRECT AND COLLATERAL BENEFITS OF
REPORTING POTENTIAL POLICY VIOLATIONS

A Brief History of Anti-Discrimination Laws

- **1964 - Civil Rights Act of 1964 (Title IV)** addressed discrimination on the basis of sex, race, color, religion and national origin in employment and public accommodation
- 1967 - Age Discrimination in Employment Act passed in 1967
- **1972 - Education Amendments of 1972 (Title IX)** prohibited sex-based discrimination in any school or other education that receives federal money
- 1990 - Followed by Americans with Disabilities Act, prohibiting discrimination based on disability

Title IV Protects Against

Discrimination and Harassment based on a Protected
Characteristic and Retaliation for Engaging in Protected
Activity

Title IX Protects Against

Sex or gender-based discrimination, including sexual harassment, sexual assault, dating/relationship violence, domestic violence and stalking

SF State University Reporting Requirements

Except as provided below, **any** Employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the DHR Administrator or Title IX Coordinator. These Employees are required to disclose all information including the names of the Parties, **even where the person has requested anonymity.**

<https://calstate.policystat.com/policy/10454581/latest/#autoid-yk37d>

CSU Policy

All Students have the right to participate fully in CSU programs and activities free from Discrimination, Harassment and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such misconduct violates University policy and may also violate state or federal law.

<https://calstate.policystat.com/policy/10454581/latest/#autoid-yk37d>

Employees Who Do Not Have a Duty to Report

- Physicians; psychotherapists, professional licensed counselors; licensed clinical social workers and clergy...;and
- Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women's centers, and health centers and who are acting solely in that role in the provision of counseling or advocacy services.
- A CSU E/union representative who is acting in that role providing information in a confidential setting to a union member seeking advice about a possible violation or representation

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University Police

- Are **not** required to report any **personally-identifiable information** about a victim of certain sex offenses **if the victim requests confidentiality of identity**, but must report all known facts of the incident, including the identity of the perpetrator (if known), to the Title IX Coordinator

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Direct Benefits of Reporting

Comports with Law and University Policy

Centralizes
Information

Provides
Complainant
Avenue of
Redress

Allows University
to Address
Potential
Violations

Provides
Complainant with
Supportive
Measures

Provides Complainant
with Written
Information about
their Rights and
Protections

Connects
Complainant with
Support Person
and/or Advisor

Provides
Complainant with
Interim Measures

Provides
Respondent
Due Process

Provides
Respondent
Supportive
Measures

Reduces
Investigation
Timelines

Helps Keep
SF State
Community Safe

SENSITIVE MATERIAL

Complainant's Experiences with Respondent

- Worked with Respondent for seven years
- Heard that Respondent intentionally separated female colleague from male friends at a bar
- Heard that Respondent tried to kiss another female colleague without her consent at a department retreat
- Pulled Respondent off another female colleague at a retreat after-party
- Had drinks with Respondent, who offered her his couch to “crash” when she missed BART and then engaged in sexual activity without her consent (due to incapacitation)

Missed Reporting Opportunities

- Incident at bar when Respondent purposely separated female colleague from her male friends and repeatedly held her close and kissed her
- Incident at ball game when Respondent hugged another female colleague closely to his body while walking with her, making her uncomfortable
- Incident at conference where Respondent held another female colleague's hand for several minutes in front of other colleagues while walking with her as she tried to pull it away from him and otherwise ignore him
- Incident at conference where Respondent grabbed and tried to kiss the same female colleague later that evening
- Incident at conference where Respondent climbed on top of yet another female colleague who was lying on a bed in a hotel room, while she was intoxicated
- In the year between when Respondent sexually assaulted her and when she reported it to the Title IX Office, Complainant told two school colleagues that Respondent "raped" her in a text message

Collateral Benefits of Reporting

Lessons Negative Effects of Incivility

Gives Community
Members Agency

Overcomes the Bystander Effect

Interrupts Trajectory of Escalating Behavior



Allyship

- **Allyship** involves a person from a non-marginalized group — an ally — who uses their privilege to advocate for a marginalized group.











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Direct Benefits of Reporting

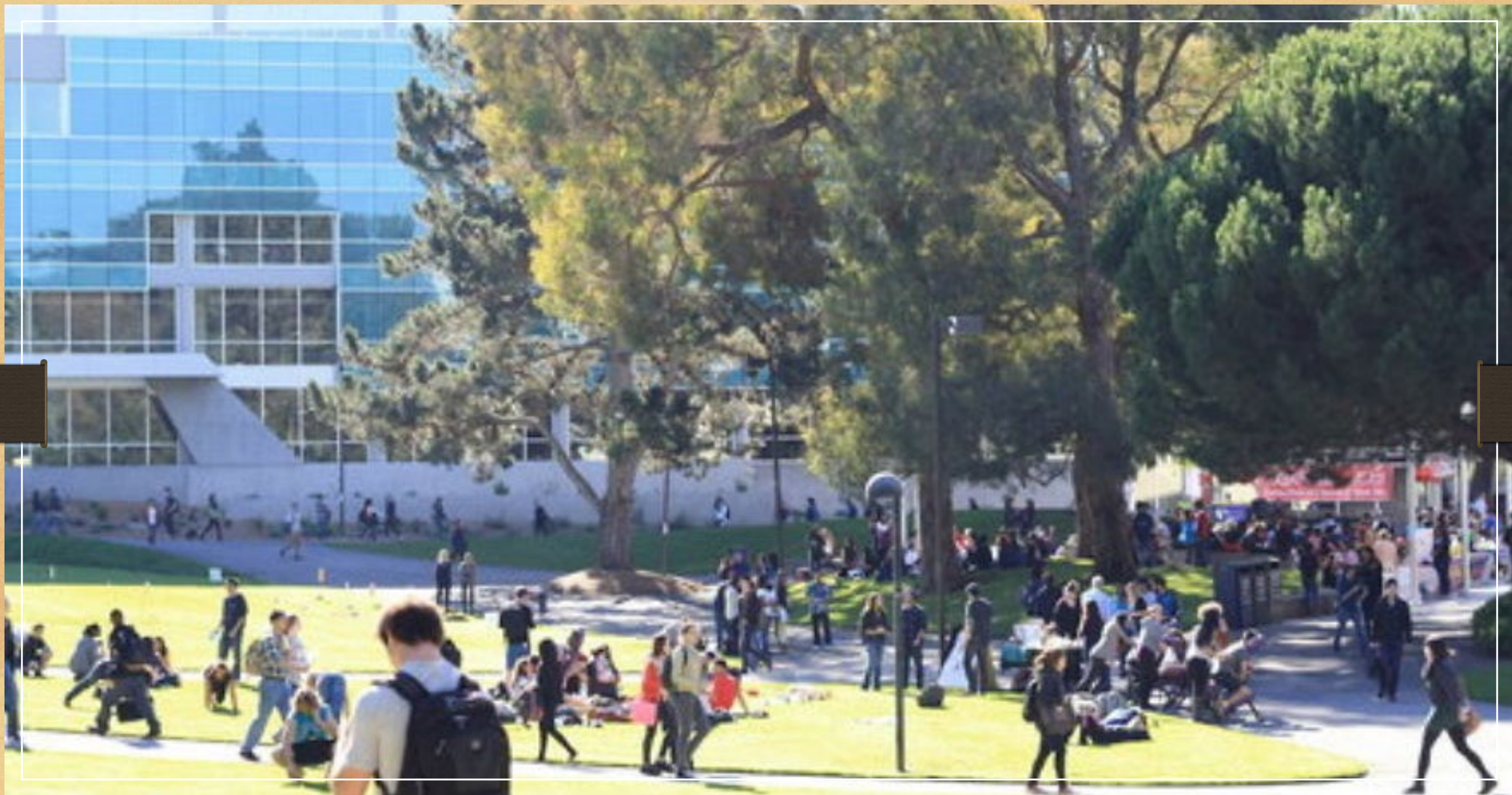
- Comports with law and policy
- Centralizes information
- Provides Complainant with information about the process
- Provides Complainant supportive measures and avenue of redress
- Provides Complainant with Supportive Measures
- Provides Complainant with Written Information about Rights and Protections
- Connects Complainant to Support Person and/or Advisor
- Provides Complainant with Interim Measures

Direct Benefits of Reporting

- Provides Respondent due process
- Connects Respondent with Support Person and/or Advisor
- Allows University to address behavior that may violate policy
- Allows University to educate Respondent about behavior that is nearing a policy violation
- Reduces investigation timelines
- Helps keep SFSU community safe

Collateral Benefits of Reporting

- Lessens negative effects of incivility
- Gives community members agency
- Overcomes Bystander Effect
- Interrupts trajectory of escalating behavior
- Demonstrates Allyship



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<https://titleix.sfsu.edu/>