

Dear Campus Community,

The U.S. Department of Education recently issued new regulations relating to Title IX of the Education Amendments of 1972 (Federal Regulations). The Federal Regulations include key changes to many provisions including scope, questioning at live hearings, review of evidence, appeals, and training. All educational institutions which receive federal funding, including California State University San Bernardino (CSUSB) and the other 22 California State University (CSU) campuses, must comply with these regulations as of August 14, 2020, or risk loss of federal funding.

Effective August 14, 2020, the Chancellor's Office issued Addendum B: Federal Mandated Hearing Addendum (Addendum B), which accompanies CSU Executive Orders 1096 and 1097, which details the policies and procedures required under the new Title IX Federal Regulations. Please note that regardless of the Federal Regulations, CSU policies governing sexual harassment, sexual misconduct, and sex- and gender-based discrimination, as stated in Executive Orders 1095, 1096 and 1097, remain fully in effect. The U.S. Department of Education acknowledges that CSUSB and other universities may address misconduct through their policies and through state law, and CSUSB is firmly committed to responding to and addressing sexual harassment and sexual misconduct that affects our campus community. In the case of California law and CSU policy, policies are more expansive than the conduct prohibited by the Federal Regulations.

### **The Changes**

All formal complaints submitted to the Title IX Office will be first assessed under Addendum B to determine whether those procedures apply. If a formal complaint does not meet the criteria to be processed under Addendum B, the complaint may be processed under EO 1096 or 1097 (our current single-investigator model) or Addendum A (our current hearing-model for student cases).

### **Two significant aspects of Addendum B:**

Under Addendum B, alleged incidents can be considered for investigation only if they occur within the United States, and only if they occur in university sanctioned programs or activities, or on properties owned or controlled by the university or recognized student organizations. If these criteria are not met, the allegations may be evaluated under EOs 1096 and 1097, or Addendum A, which apply much more broadly to alleged violations involving any university student, staff, or faculty member, including in non-CSUSB locations and outside of the United States

All Addendum B investigations, which apply the Federal Regulations, will involve live hearings with mandatory Hearing Advisors who will conduct the cross-examination of the parties. Hearings will be facilitated by a Hearing Officer, who will monitor decorum and assess the appropriateness of the questions. CSU will provide trained Hearing Advisors if either complainant or respondent do not have one available.

Other regulation details are available at Addendum B and FAQs. Please note that FAQs will be forthcoming. Any inquiries can be directed [titleix@csusb.edu](mailto:titleix@csusb.edu).

### **What has NOT changed:**

CSUSB employees still have a duty to report potential incidents of sexual misconduct, sexual harassment, dating and domestic violence and stalking to the Title IX Office, unless they are specifically exempt under CSU policy.

Executive Orders 1096 and 1097 and Addendum A are still in effect but only after consideration whether allegations are governed by Addendum B, based on specifically defined criteria.

Regardless of which process, or whether a case meets criteria for an investigation, our Title IX team continues to provide supportive measures and other services, conduct intakes relating to reports and complaints of sex- and gender-based misconduct, and coordinate with other campus offices on Title IX issues of misconduct, harassment, stalking, and gender equity.

All current active investigations as well as intakes regarding alleged incidents that occurred prior to August 14, 2020, will still go through the process under EO 1096 and 1097 or Addendum A. Incidents occurring on or after August 14 will be subject to the new process described above, including determining whether they are governed by procedures stated in Addendum B.

California State University San Bernardino remains committed to supporting a safe and equitable campus environment as we move forward with these new regulations mandated by the U.S. Department of Education. Title IX will continue to work and collaborate to provide supportive measures and other services in our processes for our campus community.

**Links:**

[Executive Order 1096 \(Revised August 14, 2020\)](#) Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties.

[Executive Order 1097 \(Revised August 14, 2020\)](#) Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students.

[Executive Order 1098 \(Revised August 14, 2020\)](#) Student Conduct Procedures.

Sincerely,

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