**Call for More Intensive Training for**

**Administrators, Faculty, and Staff on Title IX**

1. **RESOLVED:** The Academic Senate of California State University, Fresno calls for more frequent and more intensive training for administrators, faculty, and staff on Title IX so that events similar to the continued acts of sexual misconduct by a Frank Lamas that were mishandled and subsequently covered up by former Chancellor Joseph I. Castro, never happen again. Because the culture of academia has long included caveats which excuse unwanted comments and actions towards gender and sexual minorities, the time has long since passed for everyone to understand the entirety of the Interim (and eventually final) [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](https://calstate.policystat.com/policy/10926024/latest/) and the history of how and why this policy came to be at the federal level; and be it further
2. **RESOLVED:** That the Academic Senate of California State University, Fresno distribute this resolution to
* CSU Board of Trustees,
* CSU acting Chancellor,
* CSU Fresno President,
* The Academic Senate of the California State University (ASCSU),
* The Academic Senates of our 22 sister campuses in California State University system.
* California Faculty Association (CFA),
* California Senate Education Committee,
* California Assembly Higher Education Committee

**RATIONALLE:** The initial response emails and letters to the USA Today article[[1]](#footnote-1) from former Chancellor Joseph I. Castro[[2]](#footnote-2) and President Saul Jiménez-Sandoval[[3]](#footnote-3) stated that the investigations involving Dr. Lamas’ actions were handled appropriately in compliance with CSU, state and federal policies. However, the explanatory excuse that the university could not act until they had a ‘formal complaint from a victim’ is in violation of Title IX expectations.

**RATIONALLE:** A follow-up email[[4]](#footnote-4) from the Title IX and Clery Compliance Office on Feb 23 alluded to a formal complaint being necessary for investigation when a statement was given that “support would be offered regardless of whether or not there is a formal complaint.” Multiple administrators, faculty, and staff appeared to believe (erroneously) that the university had acted in accordance with Title IX. To counter these erroneous beliefs, documentation of the policy had to be provided when challenging the assertion that the campus responded in accordance with Title IX

**RATIONALLE:**  It is clear in Title IX that an investigation could have been started without a formal complaint, especially considering there were 12 previous informal complaints regarding Lamas’ behaviors. Excerpts from Title IX and other documents show that the university had the ability and responsibility to respond to the repeated informal complaints dating from 2014 that had been made prior to 2019 formal complaint. Additionally, formal complaints can be made by any person, including a third party who heard about or witnessed the action.

 “[Title IX notice of non-discrimination for students](https://adminfinance.fresnostate.edu/hr/documents/CSUTitleIXNoticeofNon-Discrimination7-12-2012b.pdf)” [[5]](#footnote-5)from 2012 states:

“Regardless of whether an alleged victim of sexual discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any sex discrimination/harassment, prevent its recurrence, and remedy its effects.”

Furthermore, a 2013 document[[6]](#footnote-6) published by the National Center for Higher Education Risk Management states:

“Once the coordinator or other appropriate administra­tor or investigator receives the report, they would conduct a “small i” preliminary inquiry or investigation, looking into the incident description, history file, and whether the report matches any other recent reports. With any sign of pattern, predation, violence, or threat, institutional obliga­tions cannot be determined solely by what the victim wants. However, administrators can take gradual “next steps,” such as requiring more information from the re­porter, meeting with the alleged victim, and deciding what remedial actions are needed, desired, and possible…. victims should also know that actions may need to be sped up, depending on whether the circumstances indicate a need to protect the community….In some cases, the “small i” will lead to the “big I,” which is a thorough, reliable, and impartial full investigation. In cases where the preliminary investigation does not indi­cate pattern, predation, threat, or violence, the campus has more latitude to respect the wishes of the victim…..However, where pattern, predation, threat, or violence are indicated by the preliminary investigation, the campus will have to pursue the notice to the fullest extent pos­sible, understanding that victims still have the right to consent or refuse to participate.”

1. Jacoby, K. (2022) Fresno State president mishandled sexual harassment complaints. Now he leads all 23 Cal State colleges. *USA Today* February 3. [↑](#footnote-ref-1)
2. Castro, J. (2022) An Open Letter from Chancellor Castro to the CSU Community. February 4. [↑](#footnote-ref-2)
3. Jimenez-Sandval, S. (2022) Response to the Fresno State Community, February 6. [↑](#footnote-ref-3)
4. Pontius-Hogan J.(2022) Title XI response, February 23 [↑](#footnote-ref-4)
5. “[Title IX notice of non-discrimination for students](https://adminfinance.fresnostate.edu/hr/documents/CSUTitleIXNoticeofNon-Discrimination7-12-2012b.pdf)” (2021) [↑](#footnote-ref-5)
6. National Center for Higher Education Risk Management (2013) [The top ten things we need to know about Title IX (that the DCL didn’t tell us)](https://higherlogicdownload.s3.amazonaws.com/URMIA/9bb778ba-2379-4027-b70a-d7c1dfa28128/UploadedImages/documents/URMIAJournal_2013.pdf) [↑](#footnote-ref-6)