

2013-124 AUDIT SCOPE AND OBJECTIVES—Postsecondary Higher Education—Sexual Harassment

The audit by the California State Auditor will provide independently developed and verified information related to the handling of sexual harassment and sexual violence incidents at California's public postsecondary institutions (postsecondary institutions) and will include, but not be limited to, the following:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. For the period 2009 through 2013, determine whether the University of California at Berkeley (UC Berkeley), one additional University of California campus, and two California State University campuses (postsecondary institutions) have policies and procedures consistent with existing federal and state laws, regulations, as well as best practices, regarding the following:
 - (a) Educating students on how to be aware of, and prevent, sexual harassment and violence on and around campus, and making students aware of available campus resources regarding sexual harassment and violence.
 - (b) Educating campus officials about appropriate actions for preventing sexual harassment and violence on and around campus as well as their legal responsibilities for preventing and responding to such actions.
 - (c) Receiving, investigating, and resolving complaints of sexual harassment or violence, including evaluating the following:
 - i. Whether students are encouraged to file complaints of alleged sexual harassment or sexual violence and are adequately informed regarding their ability to file such a complaint.
 - ii. Whether the postsecondary institution has an effective mechanism for responding to complaints, as required by law and best practices.
 - iii. Whether the postsecondary institution has appropriate practices for protecting individuals who file a complaint from being subjected to retaliation.
 - iv. Whether the postsecondary institution uses appropriate methods to investigate the complaint, including whether those methods are consistent with law and best practices.
 - v. Whether complaints are resolved consistent with applicable law and whether disciplinary or other action is a part of that resolution.

- (d) Compare the actions taken by the selected postsecondary institutions in response to a selection of allegations of sexual harassment or violence to determine whether the actions taken are consistent across the selected postsecondary institutions, based on similar types of allegations and factual circumstances.
 - (e) Determine the number of sexual harassment or sexual violence allegations made by students at the selected postsecondary institutions, including the number of allegations that were investigated and resolved by university personnel and the number referred to law enforcement. Further, determine to the extent possible, how many formal investigations were conducted in comparison with issues addressed through an informal resolution process.
 - (f) Determine whether the selected postsecondary institutions adequately monitor and evaluate the effectiveness of their policies and practices for receiving, investigating, and resolving complaints of sexual harassment or sexual violence.
3. Based on the selection of postsecondary institutions in 2 above, determine whether the postsecondary institution has an effective process for tracking and monitoring the receipt, investigation, and resolution of complaints and for reporting complaints received and the results of investigations, consistent with the Clery Act and other applicable law.
 4. For the period 2009 through 2013, review and assess the selected postsecondary institutions to determine whether they have sufficient training and resources to appropriately respond to complaints of sexual harassment and violence, including evaluating the following:
 - (a) Whether university personnel and faculty are appropriately informed and trained regarding their responsibilities with respect to preventing/responding to a complaint of sexual harassment or violence.
 - (b) Whether the postsecondary institutions have appropriate and sufficient resources, including trained personnel, to assist individuals who may have been the victim of sexual harassment or violence.
 - (c) Whether online or other campus resources for reporting allegations of sexual harassment or violence; providing counseling services; and investigating allegations services are adequate.
 - (d) Whether the postsecondary institution has received complaints from victims of sexual harassment or violence regarding the process for reporting, investigating, and resolving a complaint, and, if so, how such complaints have been resolved.
 5. Review and assess any other issues that are significant to the postsecondary institutions as they relate to incidents of sexual harassment and violence.