

San José State University
Title IX Office
Reported Incidents and Responses for Fiscal Year 2018-19¹

Providing an environment free from all forms of sex discrimination, including sexual harassment and sexual misconduct, is of the highest priority for San José State University (SJSU). Sexual misconduct includes sexual assault/rape, stalking, and dating and domestic violence, none of which is tolerated at SJSU. Preventing and remedying sex discrimination, sexual harassment, and sexual misconduct is a campus wide responsibility, led by the SJSU Title IX Office in the Office of Diversity, Equity & Inclusion. The Title IX Office oversees the implementation and enforcement of the appropriate policy requirements, specifically, compliance with California State University Executive Orders 1095, 1096, and 1097. These Executive Orders provide extensive guidance on prevention measures, education and training, investigation procedures and institutional requirements with respect to all forms of sex discrimination, sexual harassment, and sexual misconduct.

The University implements proactive prevention measures in the form of education and training in order to promote compliance with the CSU policies. Education is the best tool to combat sex discrimination, sexual harassment, and sexual misconduct. SJSU utilizes various effective approaches to educate students, faculty and staff, including mandatory training and a wide array of awareness programs. In addition, the University acts promptly when it learns of potential cases involving students, faculty or staff. The Title IX Office immediately provides help for the complainant, offering comprehensive resources for emotional and mental health, as well as protective measures. The Title IX Office takes appropriate action to address any reported incident, which may include an investigation, interim measures, and/or other administrative actions. Interim measures for students might include No Contact Orders, academic accommodations, changes to University Housing, and/or Interim Suspension of the Respondent (accused); for faculty and staff, such measures might include No Contact Orders, Administrative Leave for the Respondent (accused), and/or changes to work schedules.

The Title IX Office is responsible for responding promptly and effectively to reports of sexual harassment and sexual misconduct in accordance with the requirements of the Executive Orders. Staff and faculty have a duty to report any incidents to the Title IX Office and receive reminders about this duty during mandatory annual online training as well as during in-person refresher training sessions. In addition, certain student employees, such Resident Assistants, Teaching Assistants, and Tutors, may have a duty to report disclosures of Title IX incidents.

In each instance, the Title IX Office will gather as much information as possible to assess the circumstances and determine what steps should be taken to address the situation. The majority of reports to the Title IX Office do not precipitate a formal investigation for a number of reasons:

¹ The data included in this report includes all reports received by the Title IX Office between July 1, 2018 and June 30, 2019. The data is based on the date the report was received, not the date of the incident reported.

- The Complainant has reported allegations that would warrant a formal investigation but has declined to pursue a formal investigation. In these cases, the Complainant often opts for referrals to support resources, academic accommodations, housing moves, and/or No Contact Orders.
- The Complainant has reported allegation that would not reach the threshold to warrant a formal investigation. However, when appropriate, the Title IX Office provides the Complainant with referrals to support resources, academic accommodations, housing moves, and/or No Contact Orders.
- The Complainant does not respond to outreach from the Title IX Office. The case is closed but the Title IX Office can re-open the case later if the Complainant chooses to meet with the Title IX Office. In those instances, depending on the circumstances, a Complainant may request a formal investigation or, if a formal investigation is not warranted or not requested, a Complainant may still receive referrals to support resources, academic accommodations, housing moves, and/or No Contact Orders.
- In rare cases, the Title IX Office will provide assistance to a Student Complainant who requests help with transferring to another CSU campus. In addition, the Title IX Office assists students from other institutions who request to transfer to SJSU for Title IX-related reasons.

In all cases, when appropriate and while maintaining the privacy of Complainants, the Title IX Office works with key partners on campus (University Housing Services; Academic Advisors; Student Conduct and Ethical Development; University Police Department; multiple Student Services Offices; University Personnel; individual faculty members, Department Chairs, and Deans; the Admission Office; the Registrar’s Office; International Education; Athletics staff and other need-to-know partners) to implement measures and accommodations necessary to ensure the safety as well as the academic and employment success of Complainants.

The following is San José State University’s reported data on sex discrimination, sexual harassment, and sexual misconduct incidents during Fiscal Year 2018-2019 (July 1, 2018 and June 30, 2019).

Overall Number of Reports and by Type of Conduct

Total number of reports to the Title IX Office	169 ²
Sex/Gender/Gender Identity/Gender Expression Discrimination	6
Sexual Harassment	41
Sexual Misconduct ³	47
Sexual Misconduct/Sexual Assault	29

² The total number of reports (169) is lower than the tally of the different types of reported incidents below (233) because in many cases, reports included multiple types of incidents. For example, one Stalking report also included allegations of Sexual Harassment as well as Dating Violence.

³ Almost all the Sexual Misconduct reports also included reports of Sexual Assault, Sexual Battery, and/or Rape but each type of report is broken down in this table.

Sexual Misconduct/Sexual Battery	12
Sexual Misconduct/Rape ⁴	12
Dating/Domestic Violence	16
Stalking	16
Retaliation	2
Other Title IX Conduct of Concern	26
Pregnancy Accommodations	3
Title IX Inter-campus Transfers ⁵	5
Non-Title IX Reports ⁶	18

Cases broken down by Status of Complainant and Respondent

The total number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received. ⁷	74
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Student is the Complainant . ⁸	64
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Staff member is the Complainant .	0
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Faculty member is the Complainant .	2
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Third Party ⁹ is the Complainant . ¹⁰	8
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which an unknown person is the Complainant and whose status is unknown .	3
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Student is the Respondent .	34
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Staff member is the Respondent .	0
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Faculty member is the Respondent .	3
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a Third Party is the Respondent .	27

⁴ This data includes reports of Acquaintance Rape.

⁵ These cases involved assistance for students transferring to and from SJSU because of a Title IX situation.

⁶ This data reflects incidents initially reported to the Title IX Office but which, after a complaint intake and assessment, were deemed to be non-Title IX incidents. In these circumstances, the Title IX Office refers the Complainants to the appropriate office on campus to respond to the concerns.

⁷ Reports often include one or more claims.

⁸ SJSU is the Complainant in one investigation on behalf of a group of students.

⁹ Third party refers to a person who is not affiliated with the campus (not a current student, staff, or faculty member). This number includes all non-affiliates, even unnamed non-affiliates.

¹⁰ One investigation includes four Third Party Complainants against one Student Respondent.

The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which an unknown person is the Respondent and whose status in unknown .	10
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Investigations

The number of Title IX investigations closed from the previous year (FY 2017-18).¹¹	6
Types of charges: ¹²	
Sexual Harassment	5
Sexual Misconduct	2
Sexual Misconduct/Sexual Assault	2
Sexual Misconduct/Sexual Battery	2
Sexual Misconduct/Rape	0
Stalking	0
Dating/Domestic Violence	1
Retaliation	0
The number of 2017-18 Title IX investigations closed in which the Respondent was found to have violated the policy. Below is a brief description of each case, interim measures, and sanctions. <ol style="list-style-type: none"> 1) Sexual Harassment/Sexual Misconduct/Sexual Assault/Sexual Battery case with a Student Respondent.¹³ Sanction of expulsion. 2) Dating violence case with a Student Complainant and a Student Respondent. Sanction of expulsion. 	2
The number of 2017-18 Title IX investigation closed in which the Respondent was <u>not</u> found to have violated the policy. Below is a brief description of each case. <ol style="list-style-type: none"> 1) Sexual Harassment/Sexual Misconduct/Sexual Assault/Sexual Battery with a Student Complainant and a Staff Respondent. 2) Sexual Harassment case with a non-affiliate Complainant and a Faculty Respondent. 3) Sexual Harassment case with a Staff Complainant and two Staff Respondents. 	4

¹¹ The seventh and final outstanding case from FY 2017-18 was closed in July 2019. The case involved allegations of Sexual Misconduct/Sexual Battery and the matter was resolved through an Early Resolution Agreement that included disciplinary probation and educational sanctions for the Respondent.

¹² The total number of charges is larger than the total number of investigations because in most cases, each investigation included multiple charges against the Respondent.

¹³ Because the two Student Complainants in this case chose not to participate in the investigation and the University had grounds for moving forward with a formal investigation (e.g., threat to campus safety), SJSU served as the official Complainant in the investigation.

4) Sexual Harassment case with a Staff Respondent. ¹⁴	
The number of Title IX investigations initiated during FY 2018-19.	15
Types of charges:	
Sexual Harassment	5
Sexual Misconduct	12
Sexual Misconduct/Sexual Assault	3
Sexual Misconduct/Sexual Battery	7
Sexual Misconduct/Rape	5
Stalking	2
Dating/Domestic Violence	1
Retaliation	0
The number of Title IX investigations closed in which the Respondent was found to have violated the policy. Below is a brief description of each case, interim measures, and sanctions.	2
<ol style="list-style-type: none"> 1) Sexual Harassment/Sexual Misconduct case with a Student Complainant and a Student Respondent. Sanctions of one-year disciplinary probation and educational sanctions for the Respondent. 2) Sexual Misconduct/Sexual Battery case with a Student Complainant and a Student Respondent. Sanctions of one-year disciplinary probation and educational sanctions for the Respondent. 	
The number of Title IX investigations closed in which the Respondent was <u>not</u> found to have violated the policy. Below is a brief description of each case.	1
<ol style="list-style-type: none"> 1) Sexual Harassment/Sexual Misconduct case with a Faculty Respondent.¹⁵ 	
The number of Title IX investigation closed without a final resolution because neither Party agreed to participate in the mandatory hearing (for certain Sexual Misconduct cases).	1
The number of FY 2018-19 Title IX investigations open as of June 30, 2019. ¹⁶	11

¹⁴ Because the case involved multiple Student Complainants and the University had grounds for moving forward with a formal investigation (e.g., concern for student safety), SJSU served as the official Complainant in the investigation.

¹⁵ Because the case involved multiple Student Complainants, the Title IX Office initiated an investigation with SJSU named as the official Complainant.

¹⁶ As of October 1, 2019, four (4) more investigations had closed, two through Early Resolution Agreements and two through the normal investigation or hearing processes. The latter two cases both ended with policy violation findings and sanctions for the Respondents. In addition, two additional cases were in the final appeal stages, one for a no policy violation finding and another for a policy violation finding.

Title IX Outreach and Training

During the 2018-19 academic year, SJSU conducted 66 in-person Title IX training sessions to a variety of audiences on a variety of topics to over 15,000 participants. Audiences included student athletes (705 participants); Greek life members (1,000 participants); incoming first-year and transfer students and parents (13,100 participants); residential life student and professional staff (125 participants); student mentors and tutors (100 participants); and faculty and professional staff (145 participants). Topics included incident response and reporting protocols, affirmative consent, forms of prohibited conduct, support resources, interim measures, and bystander intervention.