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## San José State University Title IX Office Reported Incidents and Responses for Fiscal Year 2019-2020<sup>1</sup>

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). 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 the President. 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 takes appropriate action to address any reported incident, which may include an investigation, supportive measures, and/or other administrative actions. Supportive measures for students might include No Contact Orders, academic support, changes to University Housing, and/or referral to counseling and other supportive services. For faculty and staff, such measures might include No Contact Orders, changes to work schedules, and/or referral to employee assistance programs and other supportive services.

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,

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<sup>1</sup> The data included in this report includes all reports received by the Title IX Office between July 1, 201 and June 30, 2020. The data is based on the date the report was received, not the date of the incident reported.

Teaching Assistants, and Tutors, may have a duty to report disclosures of Title IX incidents to the Title IX Office.

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:

- 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 support, 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 support, 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 support, 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 2019-2020 (July 1, 2019 and June 30, 2020).

The following section includes information related to reports of Sexual Misconduct, Dating and Domestic Violence, and Stalking. For information related to Sexual Harassment and Retaliation reports, or Title IX training, please see pages 6 – 8.

**Overall Number of Reports to the Title IX Office**

Total number of reports to the Title IX Office	212
Sexual Misconduct <sup>2</sup>	62
Dating/Domestic Violence	22
Stalking	20
Sexual Harassment	48
Retaliation	3
Other Conduct of Concern; Non-Title IX Matters	57 <sup>3</sup>

**Sexual Misconduct, Dating and Domestic Violence, and Stalking**

**Cases broken down by Status of Respondent**

The total number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received. <sup>4</sup>	104
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a <b>Student</b> is the <b>Respondent</b> .	43
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which an <b>Employee</b> is the <b>Respondent</b> .	4
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which a <b>Third Party</b> is the <b>Respondent</b> .	30
The number of Sexual Misconduct, Dating Violence or Domestic Violence, or Stalking reports received in which an <b>unknown person</b> or <b>unidentified person</b> is the <b>Respondent</b> and whose <b>status is unknown</b> .	27

There were nine (9) pending Sexual Misconduct, Dating and Domestic Violence, and Stalking cases as of July 1, 2019.<sup>5</sup>

**The Number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports that were Investigated with a Finding (policy violation or no policy violation)**

Total	12
Sexual Misconduct	8
Dating/Domestic Violence	2
Stalking	2

<sup>2</sup> Almost all the Sexual Misconduct reports also included reports of Sexual Assault, Sexual Battery, and/or Rape.

<sup>3</sup> Complaints that fell outside of the scope of the Title IX Office were referred to other campus departments, if applicable.

<sup>4</sup> Reports often include one or more claims.

<sup>5</sup> These cases were reported during the 2018-2019 Academic Year; however, the investigations had not concluded by June 30, 2019. As such, these numbers count towards the investigation numbers for 2019-2020 but are not included in the overall count of reports to Title IX for 2019-2020.

**Number of Sexual Misconduct investigations in which the Respondent was held responsible (finding of a policy violation).**

Total	2 <sup>6</sup>
Expulsion	0
Suspension of one year or more	2
Suspension of less than one year	0
Disciplinary Probation	0
Termination of employment	0
Letter of reprimand	0
Educational Training	2

**Number of Dating and Domestic Violence investigations in which the Respondent was held responsible (finding of a policy violation).**

Total	0
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**Number of Stalking investigations in which the Respondent was held responsible (finding of a policy violation).**

Total	1
Expulsion	0
Suspension of one year or more	1
Suspension of less than one year	0
Disciplinary Probation	0
Termination of employment	0
Letter of reprimand	0
Educational Training	1

**Number of Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations in which the evidence was found insufficient to hold the Respondent responsible (finding of no policy violation).**

Total	6 <sup>7</sup>
Sexual Misconduct	6
Dating/Domestic Violence	2
Stalking	0

<sup>6</sup> Both investigations resulted in two types of discipline, as noted in the chart.

<sup>7</sup> Two cases involved more than one type of allegation.

**Number of Sexual Misconduct reports that were resolved without an investigation and/or a finding.**

Total	57
Informal Resolution	2
Complainant did not respond to outreach, insufficient information to move forward	19
Complainant elected to remain confidential and/or identity unknown	23
Complainant declined investigation, supportive measures provided	4
Complainant declined investigation and supportive measures	4
Investigation not an option due to Non-Affiliate Respondent status, supportive measures provided	5

**Number of Dating and Domestic Violence reports that were resolved without an investigation and/or a finding.**

Total	19
Informal Resolution	0
Complainant did not respond to outreach, insufficient information to move forward	8
Complainant elected to remain confidential and/or identity unknown	0
Complainant declined investigation, supportive measures provided	3
Complainant declined investigation and supportive measures	4
Investigation not an option due to Non-Affiliate Respondent status, supportive measures provided	4

**Number of Stalking reports that were resolved without an investigation and/or a finding.**

Total	17
Informal Resolution	0
Complainant did not respond to outreach, insufficient information to move forward	5
Complainant elected to remain confidential and/or identity unknown	0
Complainant declined investigation, supportive measures provided	3
Complainant declined investigation and supportive measures	3
Investigation not an option due to Non-Affiliate Respondent status, supportive measures provided	6

**Number of pending Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations as of June 30, 2020.<sup>8</sup>**

Total	5 <sup>9</sup>
Sexual Misconduct	4
Dating/Domestic Violence	3
Stalking	2

**Sexual Harassment and Retaliation Reports**

**Cases broken down by Status of Respondent**

The total number of Sexual Harassment and Retaliation reports received.	51
The number of Sexual Harassment and Retaliation reports received in which a <b>Student</b> is the <b>Respondent</b> .	28
The number of Sexual Harassment and Retaliation reports received in which an <b>Employee</b> is the <b>Respondent</b> .	9
The number of Sexual Harassment and Retaliation (2) reports received in which a <b>Third Party</b> is the <b>Respondent</b> .	8
The number of Sexual Harassment and Retaliation (0) reports received in which an <b>unknown person</b> or <b>unidentified person</b> is the <b>Respondent</b> and whose <b>status is unknown</b> .	6

**The Number of Sexual Harassment and Retaliation reports that were Investigated with a Finding (policy violation or no policy violation).**

Total	2
Sexual Harassment	2
Retaliation	1 <sup>10</sup>

**Number of Sexual Harassment investigations in which the Respondent was held responsible (finding of a policy violation).**

Total	1
Expulsion	0
Suspension of one year or more	0
Suspension of less than one year	1
Disciplinary Probation	1

<sup>8</sup> These cases are anticipated to be resolved during the 2020-2021 academic year and will be included in next year's report.

<sup>9</sup> Some cases involve more than one type of allegation.

<sup>10</sup> The Retaliation complaint was reported during the 2018-2019 academic year. The investigation was resolved during the 2019-2020 academic year.

Termination of employment	0
Letter of reprimand	0
Educational Training	1

**Number of Sexual Harassment reports that were resolved without an investigation and/or a finding.**

Total	45
Informal Resolution	0
Complainant did not respond to outreach, insufficient information to move forward	24
Complainant declined investigation and supportive measures	5
Investigation declined or not available, supportive measures provided	16

**Number of Retaliation investigations in which the Respondent was held responsible (finding of a policy violation).**

Total	1
Expulsion	0
Suspension of one year or more	0
Suspension of less than one year	0
Disciplinary Probation	0
Termination of employment	1
Letter of reprimand	0
Educational Training	0

**Number of Retaliation reports that were resolved without an investigation and/or a finding.**

Total	3
Informal Resolution	0
Complainant did not respond to outreach, insufficient information to move forward	1
Complainant elected to remain confidential and/or identity unknown	0
Complainant declined investigation, supportive measures provided	0
Complainant declined investigation and supportive measures	0
Investigation not an option due to Non-Affiliate Respondent status, supportive measures provided	1
Reported incident did not meet threshold for an investigation	1

**Number of pending Sexual Harassment and Retaliation investigations as of June 30, 2020.<sup>11</sup>**

Total	1
Sexual Harassment	1
Retaliation	0

**Title IX Outreach and Training**

During the 2019-20 academic year, SJSU conducted 32 in-person Title IX training sessions to a variety of audiences on a variety of topics. Audiences included student athletes; Greek life members; incoming first-year and transfer students and parents; residential life student and professional staff; student mentors and tutors; and faculty and professional staff. Topics included incident response and reporting protocols, affirmative consent, types of prohibited conduct, support resources, supportive measures, and bystander intervention.

**Contact Information**

For questions related to the information shared in this report, please contact the Title IX Office at [titleix@sjsu.edu](mailto:titleix@sjsu.edu) or 408-924-7290. This report was compiled by the Title IX Office staff and approved by Wendi Liss, Title IX and Gender Equity Officer.

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<sup>11</sup> These cases are anticipated to be resolved during the 2020-2021 academic year and will be included in next year's report.