



HOW SJSU HANDLES REPORTS AND COMPLAINTS INVOLVING DISCRIMINATION/HARASSMENT INCLUDING SEXUAL HARASSMENT, SEXUAL MISCONDUCT, SEXUAL EXPLOITATION, DATING AND DOMESTIC VIOLENCE, STALKING, AND RETALIATION

The Office for Title IX and Equal Opportunity (TIX-EO) is dedicated to protecting the safety of our community and facilitating a transparent, thorough, fair, and impartial process for resolving complaints. TIX-EO provides resources, support, and information to all community members impacted by discrimination, harassment or retaliation, which includes sex-based misconduct. TIX-EO also provides education and training to raise awareness and reduce the incidence of discrimination, harassment or retaliation, which includes sex-based misconduct, in our community.

REPORT RECEIVED BY THE OFFICE FOR TITLE IX AND **EQUAL OPPORTUNITY**

Whether directly from the Complainant or from another individual

THE OFFICE WILL REACH OUT TO THE COMPLAINANT TO...

Explain the Complainant's rights and resolution options:

Offer supportive measures (e.g., medical treatment, counseling, academic support, housing accommodations, No Contact Order):

Explain the distinction between help identify personal support

Inform the Complainant of their right to report, or decline to report to law enforcement; and

Learn the Complainant's preferences on next steps The Office for Title IX and Equal Opportunity will take all reasonable steps to honor a Complainant's preferences, while also taking into account safety considerations and other critical information.

What do you want to happen next?

I am interested in working with Title IX & Equal Opportunity but I don't think I want an investigation or hearing.

I want to proceed with Title IX & Equal Opportunity's investigative process.

I don't want Title IX & Equal Opportunity to take action. I am simply looking for support and/or to register a concern.

INFORMAL RESOLUTION

Informal Resolution is a remedies-based process without an investigation, hearing, or appeal. The outcome focuses on the harm caused to the Complainant and may include agreement by the Respondent to participate in appropriate and reasonable remedies. For more information, refer to the Informal Resolution flowchart (here).

AN INVESTIGATION WILL BEGIN

The Civil Rights Investigator will interview both Parties. Both Parties can have an advisor of their choice present. The Investigator will interview any relevant witnesses identified by the Parties, collect evidence, and write an investigation report.

For complaints between employees, or complaints by a student against an employee that do not involve Sex-based Harassment**, the Investigator will decide the outcome. Cases that meet these criteria do not proceed to a hearing. (here).

NO INVESTIGATION OR RESOLUTION

If the Complainant does not want to pursue any action, no investigation or informal resolution will proceed.* Supportive resources and measures are still available.

* In cases which suggest an imminent threat to the physical safety of the community, Title IX & Equal Opportunity may pursue further investigation. These rare circumstances may include significant violence, use (or threat of use) of a weapon; repeated allegations against the same individual; multiple individuals participating in the incident; and/or the victim is a minor.

Only applies to complaints between students, or a complaint by a student against an employee that involves Sex-based Harassment**

In these cases, the Investigator does not decide the outcome. After the investigation, SJSU will hold a Hearing before a separate decision maker ("the Hearing Officer"). At the Hearing, the Parties will be asked relevant questions by the Hearing Officer. Each Party may also submit written questions for the other Party and witnesses After the hearing, the Hearing Officer will decide the outcome.

APPEAL

For Complaints alleging $\textbf{Sex-based Harassment}^{**},$ either Party may file an appeal

For all other cases, only the non-prevailing Party may appeal.

- Sex-based Harassment is Sexual Harassment and other Harassment on the basis of Sex or Gender, including Gender Expression, Gender Identity, Pregnancy or related conditions, Sex Stereotypes, Sex Characteristics, or Sexual Orientation, including: 1. Hostile environment or Quid Pro Quo Harassment;

 - Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking; and/or
 - 3. Sexual Misconduct.

The Office for Title IX & Equal Opportunity

Clark Hall 1st Floor - Room 126 (408) 924-7290 (8 AM - 5 PM) (669) 877-0620 (call/text) titleixeo@sjsu.edu



sjsu.edu/titleixeo

For a confidential discussion on resolution options, you may contact the Campus Survivor Advocate (408) 924-7300 survivoradvocate@sjsu.edu.

In the event of an emergency, call 911 or UPD at (408) 924-2222.