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San José State University
Title IX Annual Report for Fiscal Year 2016-2017[1]

San José State University (SJSU) hereby issues and makes public its Title IX Annual Report for fiscal year 2016 to 2017. Providing an environment free from sexual discrimination is of the highest priority for SJSU. Sexual misconduct, stalking, dating violence and domestic violence are not tolerated at SJSU. Preventing and remedying these forms of misconduct is a campus wide responsibility, led by the University's 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, the Title IX Office ensures compliance with California State University Executive Orders 1095, 1096, 1097 and 1098. These Executive Orders provide extensive guidance on prevention measures, education and training, investigation procedures and institutional requirements with respect to sexual misconduct, stalking, dating violence and domestic violence.

SJSU Continues its Commitment to Title IX Transparency

Executive Order 1095 requires the California State Universities to publish reports on sexual misconduct, stalking, dating violence and domestic violence incidents annually for the prior fiscal year without disclosing any information that would reveal the identities of the individuals involved. Sexual harassment is excluded from the reporting requirement because the focus is on sexual violence on campus. In the interest of transparency, last year's first ever report (for fiscal year 2015 to 2016) went above and beyond the disclosure requirements set forth in Executive Order 1095.

Continuing to advance a full commitment to transparency, this year's report includes extensive information regarding SJSU's efforts to address sexual misconduct, stalking, dating violence and domestic violence and provides specific information relating to reports and investigations. The following data and explanations comprehensively address prohibited incidents, which include the following: sexual misconduct (sexual assault, sexual battery, rape and acquaintance rape), stalking, dating violence and domestic violence. Please see the Appendix A for definitions of these prohibited types of conduct.

It is important to clarify what constitutes a report for Title IX purposes at SJSU. A report is a communication to the Title IX Office that includes information regarding a potential violation of California State University Executive Orders 1095, 1096, 1097 and 1098. Reports often take the form of a phone call or email to the Title IX Office, and all forms of communication are accepted regardless of format. For instance, SJSU accepts anonymous reports of Title IX violations. The Title IX Office will proceed, and has proceeded, on anonymous complaints under the Title IX policies. The University is as inclusive as possible with respect to receiving and processing information about potential Title IX violations. Eliminating sexual discrimination is of tremendous importance at SJSU, and treating reports seriously is the first step to reach that goal.

[1] The data included is based on the date the report was received, not the date of the incident reported. Included in the data below are reports received between July 1, 2016 and June 30, 2017.

SJSU Expands its Significant Education Requirements to Proactively Prevent Title IX Incidents

Proactive prevention measures, education and training are implemented in order to promote compliance with the University's Title IX policies. It is well-established that preventive education is the best tool to combat sexual violence. SJSU utilizes various effective approaches to educate students, faculty and staff, including mandatory training and a wide array of awareness programs. SJSU's Title IX requirements are substantial, as described below:

1) Mandatory training for all students, faculty and staff: Every incoming student must complete an online training program addressing the critical Title IX issues of sexual assault, relationship violence and bystander intervention. All employees, namely every faculty and staff member, must take online Title IX training every year of their employment.
2) Educational programs for specific student groups: In person mandatory educational programs are provided annually to student leaders, Greek organization members, student athletes and residence hall personnel.
3) Awareness programs for campus community: Every year, SJSU offers free awareness programs, including community-wide or audience-specific programming, initiatives, and strategies that seek to prevent violence and promote safety.

Notably, this year SJSU is expanding its mandatory student Title IX training. All students, not just incoming students, will be required starting in Spring 2018 to take refresher Title IX online training. These refresher courses seek to increase compliance with the Executive Orders and reinforce the importance of preventing Title IX incidents at SJSU.

SJSU Substantially Increased In Person Trainings to Reinforce the Duty to Report Requirement; Title IX Incident Reporting has Correspondingly Increased

The Title IX Office is responsible for responding promptly and effectively to reports of sexual misconduct, stalking, dating violence and domestic violence in accordance with the requirements of the Executive Orders. The University takes sexual violence extremely seriously and expects any incidents to be reported to the Title IX Office. Faculty and staff are made aware during their mandatory yearly training that they have a "duty to report" potential incidents to the Title IX Office. The only exceptions are the Survivor Advocate, Counseling and Psychological Services and the licensed medical professionals in the Student Health Center. Specifically, employees are expected to elevate concerns to the Title IX Office immediately so steps can be taken to determine whether the alleged conduct may constitute prohibited conduct, stop the alleged conduct, investigate if appropriate, and remedy the effects of the conduct. Regardless of whether the Title IX Office determines that the reported conduct is within the scope of the Executive Orders or whether the matter is addressed with or without an investigation, reports require a coordinated response including but not limited to conducting an initial inquiry, providing advocacy services and support, referring to and following the appropriate administrative process, and providing relief and resolution.

As anticipated in last year's report, reports of sexual misconduct, stalking, dating violence and domestic violence have increased this past fiscal year. The rise in the statistics reflects an increase in reporting of Title IX incidents on campus. The Title IX Office predicted this increase, which is a result of stepped up outreach efforts regarding employees' duty to report and more in person training to students campus wide. During fiscal year 2016 to 2017, the Title IX Office and Chief Diversity Officer provided expanded Title IX in person

trainings to faculty and staff. These trainings emphasized the importance of reporting Title IX incidents and explained the reporting process. Moreover, various trainings were done in person to student groups to increase awareness of Title IX compliance.

that in previous years would likely go unreported. In short, the Title IX Office's commitment to increase reporting from employees, as well as students' self-reporting incidents, has led to better reporting.

SJSU's Increased Reporting of Title IX Incidents Led to More Investigations and Better Support for Survivors

Increased reporting led to more investigations. The Title IX Office is responsible for conducting formal investigations of sexual misconduct, stalking, dating violence and domestic violence matters under appropriate conditions, i.e., the case qualifies for an investigation based on the initial review and the Complainant wishes to move ahead with an investigation. While SJSU seeks to eliminate Title IX incidents, should they occur, better reporting allows the University to address incidents immediately.

In cases in which reports were resolved *without* investigation, it was often due to the Complainant (victim/survivor) not wishing to move forward, which made it impossible for the Title IX Office to effectively investigate the matter. SJSU respects a Complainant's right to not participate in an investigation. Various University offices and entities, including the Title IX Office, immediately provide resources to the Complainant upon receiving a report irrespective of whether the individual wishes to proceed with an investigation. Most other cases in which investigations did not take place involved a non-affiliate Respondent, a person who is not a student, staff or faculty of SJSU over whom the University lacks jurisdiction.

The University acts promptly when it learns of potential sexual misconduct, stalking, dating violence and domestic violence involving students, faculty or staff. The Title IX Office immediately provides help for the victim, offering comprehensive resources for emotional, mental and physical support, as well as protective orders. The Title IX Office takes appropriate action to address any reported incident, which may include an investigation, interim measures or 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, suspension of the Respondent (accused) and/or changes to work schedule.

SJSU's Title IX Office and University Police Department Annually Provide Data on Sexual Violence

Following is the Title IX Office's reported data on sexual misconduct, stalking, dating violence and domestic violence incidents for reports received during Fiscal Year 2016-2017 (July 1, 2016 and June 30, 2017). The data does not disclose any information that would reveal the identities of the parties involved in the matter. The Title IX data has been cross-referenced with the applicable data in the SJSU University Police Department's Annual Security Report & Fire Safety Report, which covers the calendar year, not the fiscal year.[2]

[2] Annually in October, the SJSU University Police Department (UPD) publishes a report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report contains important safety information, SJSU policies and crime statistics for the previous three years. For the most recent report, see this link at UPD's website: http://www.sjsu.edu/police/crime_reporting/safety_report/index.html

Overall Statistics

The total number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received. [3]	52
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **Student** is the **Respondent**.	33
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **Staff Employee** is the **Respondent**.	1[4]
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **Faculty Employee** is the **Respondent**.	0
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **known Third Party**[5] is the **Respondent**.	16
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which an **unknown Third Party** is the **Respondent**.	5
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which an **undisclosed person** is the **Respondent**.	7
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **Student** is the **Complainant**.	49
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **Staff Employee** is the **Complainant**.	0
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **Faculty Employee** is the **Complainant**.	1
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports received in which a **known Third Party** is the **Complainant**.	2
Number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports pending at the end of the period.	1

Types of Claims

The number of Sexual Misconduct claims reported.	26
The number of Sexual Battery claims reported.	19
The number of Sexual Assault claims reported.	3
The number of Rape claims reported.	11
The number of Acquaintance Rape claims reported.	3
The number of Stalking claims reported.	6
The number of Domestic Violence claims reported.	4
The number of Dating Violence claims reported.	14
TOTAL (claims)	86

[3] Reports often include one or more claims. While there were 52 reported Title IX incidents (i.e., 52 potential Complainants), there were 86 claims relating to these reports. Several investigations involved more than one claim.
[4] Two staff members are the Respondents in the same case involving a Student Complainant.
[5] Third-party refers to a person who was not affiliated with the campus (a non-affiliate).

Investigations[6]

The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports that were formally investigated.[7]	12
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence investigations in which the Respondent was held responsible.	9
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence investigations in which the evidence was found insufficient to hold the Respondent responsible. • Sexual Misconduct/Rape case with Student Complainant and Student Respondent. Insufficient evidence for finding a violation. Student Complainant initially met with the Title IX Office but did not wish to continue to cooperate in the investigation.	1
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence investigations in which the Title IX Office found Respondent responsible for a violation, but the CSU Chancellor's Office Appeals Unit reversed the finding. • Sexual Misconduct case with Student Complainant and Student Respondent. Insufficient evidence for finding a violation. SJSU was ordered by the CSU Chancellor's Office Appeals Unit to reverse the finding to a determination that the evidence was insufficient to hold the Respondent responsible.	1
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence investigations that are ongoing. • Student Complainant and Student Respondent case involving allegations of rape, acquaintance rape, sexual misconduct, sexual battery and sexual assault.	1
The number of Sexual Misconduct, Stalking, Dating Violence or Domestic Violence reports resolved without investigation.[8]	41

[6] No Early Resolutions (informal investigations) were implemented. All investigations were formal investigations in accordance with the Executive Orders.

[7] In two cases, formal investigations took place without the Complainant's express cooperation because the Respondent's conduct posed a perceived threat to campus safety. Those cases are not identified in the data below to protect the privacy rights of the Complainant and Respondent.

[8] It is important to reiterate that in most cases in which reports were resolved without investigation, it was due to the Complainant (victim/survivor) not wishing to move forward or the Respondent being a non-affiliate (not a member of the SJSU campus community), which made it impossible for the Title IX Office to effectively investigate the matter. In each of these cases, SJSU offered support resources to the Complainant and in many cases, the Title IX Office provided significant accommodations to the Complainant.

Formal Investigations

Conduct Alleged	Status of Parties	University Response	Investigation Outcome
Dating violence	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for dating violence. Sanctions are 18 months of disciplinary probation and required mental health counseling.
Sexual assault, rape, acquaintance rape, sexual battery	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for sexual assault, rape, acquaintance rape, sexual battery. Sanction is expulsion from SJSU and all 23 CSU universities.
Sexual misconduct	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for sexual misconduct. Sanctions are two year disciplinary probation and one on one educational training course.
Sexual misconduct	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Formal investigation.	Respondent found **responsible** for sexual misconduct. Sanctions are a one year disciplinary probation, one on one educational training course and a reflection paper.
Sexual misconduct	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Formal investigation.	Respondent found **responsible** for sexual misconduct. Finding was reversed and case dismissed by the CSU Chancellor's Office Appeals Unit. The Respondent was ultimately **not responsible** for sexual misconduct.

Sexual misconduct, rape	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Formal investigation. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for sexual misconduct and sexual battery. Sanction is expulsion from SJSU and all 23 CSU universities.
Sexual misconduct, rape, acquaintance rape, sexual battery	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Formal investigation.	Respondent found **not responsible** for sexual misconduct or rape.
Sexual misconduct, sexual battery	Student Complainant, Student Respondent	Complainant is a student and confidential victim (CV). She did not wish to participate in the Title IX investigation. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for sexual assault, rape, acquaintance rape, sexual battery. Sanction is expulsion from SJSU and all 23 CSU universities.
Sexual misconduct, sexual battery	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Formal investigation.	Respondent found **responsible** for sexual misconduct and sexual battery. Sanction is expulsion from SJSU and 23 CSU campuses.
Stalking	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for stalking. Sanction is two-year suspension from SJSU and all 23 CSU universities.

Stalking	Student Complainant, Student Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. No Contact Order issued by the Title IX Office. Interim suspension ordered for Respondent by the Vice President for Student Affairs (delegated authority from the President). Formal investigation.	Respondent found **responsible** for stalking. Sanctions are a one year disciplinary probation, one on one educational training course and a reflection paper.
Sexual battery, sexual misconduct, sexual assault, rape, acquaintance rape	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Housing accommodations provided. No Contact Order issued by the Title IX Office. Formal investigation.	Investigation ongoing for case involving allegations of rape, acquaintance rape, sexual misconduct, sexual battery and sexual assault.

Matters for Which Formal Investigations Were Not Initiated

	Type of Complaint	Description	University Response or Outcome
1	Dating violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
2	Dating violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
3	Dating violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
4	Dating violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
5	Dating violence	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
6	Dating violence	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
7	Dating violence	Third Party Known Complainant, Student Respondent	Resources. Student Respondent refused to participate in Title IX investigation, so a hold was placed on his account. Student Respondent cannot enroll in SJSU.
8	Dating violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
9	Dating violence, domestic violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.

10	Dating violence, domestic violence	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
11	Dating violence, stalking	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Title IX investigation proceeded in another educational institution.
12	Domestic violence	Faculty Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
13	Rape, sexual misconduct	Student Complainant, Respondent Undisclosed	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
14	Rape, sexual misconduct	Student Complainant, Respondent Undisclosed	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
15	Rape, sexual misconduct	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
16	Rape, sexual misconduct	Student Complainant, Respondent Undisclosed	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
17	Sexual assault, rape	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
18	Sexual assault, rape	Student Complainant, Respondent Not Disclosed	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
19	Sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.

20	Sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
21	Sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
22	Sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
23	Sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
24	Sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
25	Sexual battery	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
26	Sexual battery, sexual misconduct	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
27	Sexual battery, sexual misconduct	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
28	Sexual battery, sexual misconduct	Third Party Known Non-Affiliate Complainant, Respondent Undisclosed	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
29	Sexual battery, sexual misconduct	Student Complainant, Third Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.

30	Sexual battery, sexual misconduct	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
31	Sexual battery, sexual misconduct	Student Complainant, Third Party Known Respondent Undisclosed	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
32	Sexual battery, sexual misconduct	Student Complainant, Two Staff Respondents	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
33	Sexual misconduct	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
34	Sexual misconduct	Student Complainant, Student Respondent Undisclosed	Resources and accommodations provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
35	Sexual misconduct	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
36	Sexual misconduct, rape	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
37	Sexual misconduct, sexual battery	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
38	Sexual misconduct, sexual battery	Student Complainant, Student Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.
39	Sexual misconduct, sexual battery	Student Complainant, Third-Party Unknown Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.

40	Stalking	Student Complainant, Third-Party Known Non-Affiliate Respondent	Resources provided to Complainant and provided options for pursuing the matter. Insufficient information to proceed without Complainant's participation, or against Complainant's wishes.

Please direct any questions regarding this report to the San José State University Title IX Office at (408) 924-7290 or titleix@sjsu.edu.

Appendix A

The California State University (CSU) is required to adopt and publish complaint procedures that provide for prompt and equitable resolution of complaints regarding sexual misconduct, stalking, and dating and domestic violence. Executive Orders 1096 and 1097 set forth the CSU's policies and definitions of these types of prohibited conduct.

- Executive Order 1096, revised October 5, 2016, entitled "Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and *Procedur*e for Addressing Such Complaints by Employees and Third Parties" is the appropriate systemwide procedure for all complaints made by Employees and Third Parties against the CSU, another CSU Employee, a CSU Student or a Third Party.

- Executive Order 1096: http://notalone.sjsu.edu/policy_information/EO%201096.pdf

- Executive Order 1097, revised October 5, 2016, entitled "Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide *Procedure* for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints made by CSU Students against the CSU, a CSU Employee, another CSU Student, or a Third Party.

- Executive Order 1097: http://notalone.sjsu.edu/policy_information/EO%201097.pdf

Executive Orders 1096 and 1097 include identical definitions for sexual misconduct (sexual assault, sexual battery, rape and acquaintance rape), stalking, and dating and domestic violence, described below:

Dating Violence is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim.[9] This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another. Abuse does not include non-physical, emotional distress or injury.

Domestic Violence is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the Parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the Parties hold themselves out as spouses; (5) the continuity of the relationship; and, (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable

[9] See Cal. Penal Code § 13700 (b).

apprehension of imminent serious bodily injury to self, or another.[10] Abuse does not include non-physical, emotional distress or injury.

Sexual Misconduct: All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.[11]
2. **Sexual Battery** is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's Gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse.[12]
3. **Rape** is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because the person is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.)
4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

Stalking means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for the safety of self or others' safety or to suffer Substantial Emotional Distress. For purposes of this definition:

[10] See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.
[11] See Cal. Penal Code § 240.
[12] See Cal. Penal Code § 242.

1. **Course of Conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.