

Confidential Counseling Resources and Medical Centers*

On Campus:

Campus Survivor Advocate	408-924-7300
Counseling and Psychological Services (CAPS)	408-924-5910
University Police Department	408-924-2222
Student Wellness Center & After-hours Nurse Advice Line	408-924-5678
Employee Assistance Program (EAP)	800-367-7474

Off Campus:

YWCA Silicon Valley 24-hour Sexual Assault and Domestic Violence Support Line	800-572-2782
Asian Women's Home 24/7 Hotline	408-975-2739
Next Door Solutions to Domestic Violence 24/7 Hotline	408-279-2962
Santa Clara Valley Medical Center <i>This hospital provides comprehensive sexual assault response service</i>	408-885-5000
SART (Sexual Assault Recovery Team)	408-885-6466

Non-Confidential Resources and Reporting Options:

The Office for Civil Right and Title IX	408-924-7290
Behavioral Intervention Team	408-924-6339
University Ombudsperson	408-924-5995
Respondent Consultants	408-924-7290

*These resources are required by law to maintain near complete confidentiality.

**Under CA law, medical clinicians are required to report to the police instances in which they observe physical injury.

Reporting Sexual Misconduct and Filing Complaints

What to Report?

All reports of sex discrimination, sexual harassment, sexual misconduct, dating or domestic violence, stalking, or retaliation, as well as discrimination on the basis of sex, gender, gender identity or expression, sexual orientation, race, religion, color, national origin or disability (among other protected statuses) involving a student, employee, applicant, or third party associated with the campus, should be made to the Office for Civil Rights and Title IX.

If you would like to make a report, visit our website at sjsu.edu/crtitleix and click on the **"Make A Report"** button in the center of the page, or you may email, call or visit our office (contact information below).

You also have the option to file a complaint with the U.S. Department of Education, Office for Civil Rights: **800-421-3481** or ocr@ed.gov

Persons who report, assist someone in reporting, and/or who have participated in an investigation/proceeding are protected from retaliation under University policy.

The Office for Civil Rights and Title IX

Email: crtitleix@sjsu.edu

408-924-7290

669-877-0620 (call/text)

Clark Hall 1st Floor, Room 126

One Washington Square San Jose, CA 95192



sjsu.edu/crtitleix

Speak Up, Spartans. Your Safety Matters.

Know your Title IX rights. Know how to report. Your voice matters – do your part to keep SJSU safe from sex and gender-based discrimination, including sexual harassment, sexual misconduct, sexual exploitation, dating and domestic violence, stalking, and retaliation.

#SpeakUpSpartans

OFFICE FOR CIVIL RIGHTS
AND
TITLE IX

What is Title IX?

A federal law that promotes equal opportunity by providing that no person may be subjected to discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. Pursuant to Title IX, SJSU must respond promptly and effectively to reports of sexual harassment (which includes sexual misconduct, dating and domestic violence, and stalking), as well as retaliation.

Sexual Harassment:

Generally, sexual harassment is **unwelcome verbal, nonverbal or physical conduct** of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature, where the conduct is explicitly or implicitly used as the basis for certain decisions or could create an intimidating, hostile, or offensive environment.

Sexual Misconduct:

Engaging in any sexual activity without first obtaining **affirmative consent** is sexual misconduct. All people regardless of their gender, sexual orientation, gender identity or expression, perceived or otherwise, can be victims of sexual misconduct. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Dating & Domestic Violence:

This is **physical violence** or the **threat** of physical violence committed against someone with whom the offender has a dating or domestic relationship. It is about power and control and can occur regardless of the length of the relationship, or the gender, sexual orientation, or gender identity or expression - perceived or otherwise - of the individuals in the relationship. Physical violence frequently is accompanied by other forms of abuse including emotional, psychological, financial, and/or sexual, and may rely on the **use of threats, isolation, and/ or intimidation**.

Discrimination and Other Harassment

The Office for Civil Rights and Title IX also provides support and accountability options for those subjected to **discrimination** or **harassment** on the basis of any protected status (including sexuality, disability, religion, race, nationality, and more), as well as related **retaliation**. Protections under state and federal law, including Title VI, afford the SJSU community options similar to those for Title IX violations. If you have been subjected to, or have witnessed, conduct violating the Nondiscrimination Policy, please contact us at crtitleix@sjsu.edu or use the **Make a Report** portal on our website.

Stalking:

This means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress. It is a pattern of behavior that makes one feel **afraid, nervous, harassed**, or in **danger**. It may be when someone repeatedly contacts a specific person, follows them, sends unwanted things, talks to them when they don't want them to, or threatens them.

Retaliation:

This means **intimidation, coercion, or discrimination** taken against a person to interfere with their rights, because the person has (or is believed to have): **1)** exercised their rights under the policy; or **2)** reported or opposed conduct which was reasonably and in good faith believed to be in violation of the policy; or **3)** assisted or participated in an investigation/proceeding under the policy, regardless of whether the complainant was substantiated; or **4)** assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing a violation of the Nondiscrimination Policy.

Sexual Violence and Assault

What to Do If This Happens to You

1. Get to a safe place and call **911**.
2. Contact someone for help and support. This can be a loved one or a 24-hour hotline.
3. Go to a hospital for medical care. You will be given a physical exam and options for the prevention of pregnancy and STDs. *(Even if several days have passed since the assault, it is still important to get medical care.)*
4. If you are able to, avoid showering/bathing, using the restroom, eating/drinking, brushing your teeth, douching, or changing your clothes (if you have been assaulted or raped) to avoid potentially damaging evidence. Do not disturb anything at the scene of the assault or throw away any evidence.
5. You may ask law enforcement for assistance in gathering evidence. Evidence should be placed in a paper bag, rather than a plastic bag.
6. Medical Professionals are required to notify the police whenever they treat a rape victim but the decision to make a formal police report is still yours.
7. If you decide NOT to go to the police immediately, consider writing down all the details of the assault (ex: who, what, when, where) and keep them in case you wish to report the assault later.
8. You can contact the Campus Survivor Advocate for additional support.

Affirmative Consent is Key to Sexual Interactions!

Affirmative consent is **informed, affirmative, conscious, voluntary**, and **mutual**. A lack of resistance, silence, or an existing relationship does NOT mean that there is consent. If someone has been sexual with you without your consent, or if you have ever felt coerced or forced into having sex, you are not alone. Sex without consent is sexual assault.

When Should You Ask For Consent?

Ask before you act! It is the responsibility of the person initiating a sex act to obtain **affirmative consent**. Whenever you are unsure if consent has been given, you need to ask and check-in with your partner. Also, a person has the right to withdraw consent at any time during consensual sexual activity; if consent is withdrawn, all sexual contact must stop.

How Do You Ask For Consent?

Consent is about getting a **clear answer**. It can also be understanding what your partner is feeling. Pay attention to **verbal, non-verbal, and physical responses/cues**. When in doubt, verbally ask your partner how they feel and what they want.

Consent is Not Silence or Passivity

Don't make assumptions about consent. If an individual feels pressured, uncertain, or is having difficulty communicating or is afraid of how their partner may react to a "NO," then it is not freely given, so it is not **affirmative consent**.

Remember: If someone is incapacitated by alcohol and/or drugs, they are unable to give **consent**. A minor under 18 is legally *incapable* of giving **consent**.

SJSU Reporting Process:

You have the right to make a report to SJSU's Office for Civil Rights and Title IX. They will inform you of your rights and options, review the complaint procedures for investigating and addressing the incident, and provide you with campus and local resources for support.

What If I Want to Be Left Alone?

Remember that you have access to on and off campus supportive resources when, or if, you would like them. Friends and family can offer support as well.