

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

S10-3, Policy Recommendation, Inappropriate Sexual Behavior Policy

Legislative History:

At its meeting of March 15, 2010, the Academic Senate approved the following policy recommendation presented by Senator Gleixner for the Instruction and Student Affairs Committee.

Action by University President: Approved by President Jon Whitmore

Date: April 5, 2010

**Policy Recommendation
Inappropriate Sexual Behavior Policy**

- Whereas San José State University is committed to supporting a healthy sexual and social climate, and
- Whereas San José State University is committed to creating an environment safe from sexual violence and any inappropriate sexual behavior as defined by federal and state law, and
- Whereas San José State University will not tolerate any form of illegal sexual behavior or sexual violence, and
- Whereas San José State University recognizes that all illegal sexual behavior and sexual violence are serious issues; and
- Whereas There is no current campus policy for inappropriate sexual behavior; therefore be it
- Resolved that the following policy be adopted.

San José State University strongly encourages all students, staff, faculty, and administrators to report to the University Police Department any incident(s) of sexual violence or inappropriate sexual behavior perpetrated against themselves. All reported instances of sexual violence and inappropriate sexual behavior will be investigated by the University Police Department and could result in possible criminal, civil, and/or campus disciplinary action.

San José State University is committed to educating our students about creating a healthy sexual and social climate in accordance with State of California's ACR 46 (1987), AB 3098 (1990), AB 1088 (2005) and to provide opportunities to educate faculty and staff.

San José State University will vigorously prosecute and discipline persons identified as responsible for acts of illegal sexual behavior or sexual violence as described by federal and California state law. Violations to the California Code of Regulations, Title 5, Section 41301 by a student or a recognized student organization will be investigated for possible campus disciplinary and/or legal action. Student discipline procedures governing alleged sexual misconduct will be conducted in accordance with California State University Chancellor's Office Executive Order 1043 (August 3, 2009).

Survivors will be encouraged to seek out appropriate support services, such as Counseling Services or Employee Assistance Program. Student survivors will be informed of their rights in the National Campus Sexual Assault Victim's Bill of Rights enacted as part of the 1992 Amendments of the Higher Education Acts of 1965 (Public Law: 102-325, section 486 c, 1992).

Approved: March 1, 2010

Vote: 14-0-0

Present: Eric Armendariz, Megan Baker, Stephen Branz (non-voting), Karin Brown, B.J. Campsey, Victor Culatta, Stacy Gleixner, Mo Han, Rich Kelley, Elizabeth McGee, Lizzie Orr, Wiggys Siversten, Marian Sofish, Kevin Starks, Eloise Stiglitz

Absent: Caroline Fee, Terry Pollack

Financial Impact: Minimal financial increase due to increased reporting and investigation

Workload Impact: Minimal staff and administrator workload increase due to increased reporting and investigation

Rationale: This policy is implemented in accordance with laws addressing sexual violence on college campuses: The State of California's ACR 46 (1987), AB 3098 (1990), AB 1088 (2005); and the National Campus Sexual Assault Victim's Bill of Rights enacted as part of the 1992 Amendments of the Higher Education Acts of 1965 (Public Law: 102-325, section 486 c, 1992).