



Title IX and Gender Equity

**Guide for Responsible Employees and
Confidential Resources**

Title IX Guide for Responsible Employees

Am I a Responsible Employee?

All SJSU employees — including administrators, faculty, staff, student employees and resident advisors — **are considered Responsible Employees** *unless* they are specifically designated as Confidential Resources.

Confidential Resources are limited to the following University positions: physicians, psychotherapists, professional counselors, licensed clinical social workers, sexual assault victim's advocates, and clergy who receive information in the context of their role as a Confidential Resource.

For more information about Confidential Resources, please see [page 4](#) of this guide.

What Are My Reporting Responsibilities?

Responsible Employees are required to consult with and refer information to the **Title IX and Gender Equity Officer** or the Title IX Office when they have reason to believe **Title IX Prohibited Conduct** has occurred, or any time Title IX Prohibited Conduct is disclosed to them.

Title IX Prohibited Conduct

Title IX Prohibited Conduct includes **Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Retaliation, or Harassment on the Basis of Sex or Gender**, including sexual orientation, gender identity, gender expression and sex stereotype, **and Consensual Relationships** of a romantic or sexual nature between an employee and a person over whom the employee exercises authority (e.g. supervisor-supervisee; professor-student; coach-student athlete).

For more information on the definitions of Title IX Prohibited Conduct: [Definitions](#) or please see [page 20](#).

Responsible Employees, have additional reporting requirements under California law, discussed on [page 5](#) of this guide.

If you are uncertain about whether conduct constitutes Title IX Prohibited Conduct, please email the Title IX and Gender Equity Officer at titleix@sjsu.edu.

Title IX Guide for Responsible Employees

Frequently Asked Questions

What if the person who reports requests anonymity?

Responsible Employees who know or have reason to know of allegations or acts that may constitute Title IX Prohibited Conduct must promptly contact the Title IX Office and must disclose all known information, including the names of the Parties, **even where the person has requested anonymity.**

Why do I have this responsibility?

1. Responsible Employee reporting helps get resources and information to those who need them.

Reporting ensures that the person receives information about supportive measures and resources, has complete and accurate information about their options, and is connected to the person on campus who has specific training, responsibility, and subject-matter expertise in preventing and addressing the kinds of conduct shared with you.

2. It is part of your commitment to making the university safer.

You are required to report so the University can assess for and address patterns of conduct through prevention and education measures.

3. The reporting person maintains their agency and autonomy.

It is up to each person to decide whether and how they want to respond to Title IX outreach. If they choose to meet or talk with the Title IX office, they will be offered supportive measures whether or not they choose to file a formal complaint or participate in a resolution process.

What do I have to report to the Title IX Office?

Responsible Employees must share all of the details known by or provided to them, including names, dates, locations, and other details shared. Responsible Employees must report what is disclosed to them.

However, a Responsible Employee should not take additional steps to vet the information shared or speak to additional witnesses.



Title IX Guide for Confidential Resources

Am I a Confidential Resource?

Confidential Resources are limited to those who hold University positions as **physicians, psychotherapists, professional counselors, licensed clinical social workers, sexual assault and domestic violence counselors or advocates, and clergy** who receive information in the context of their role as a Confidential Resource. Individuals *may* be Confidential Resources if they act under the supervision of one of the above-identified individuals. **Union representatives** are not required to report a disclosure to the Title IX and Gender Equity Office when they receive the disclosure from a union member in a confidential setting. However, union representatives are encouraged to contact the Title IX and Gender Equity Office under such circumstances for assistance with supportive measures.

Unless designated by SJSU to hold one of the confidential positions listed above, all SJSU employees — including administrators, faculty, staff, student employees, and resident advisors — are considered Responsible Employees.

If you have questions about whether your position constitutes a Confidential Resource, please reach out to the Title IX Office at titleix@sjsu.edu.

What are My Responsibilities as a Confidential Resource?

Confidential Resources **may not report** any information about an incident of Sexual Misconduct, Dating or Domestic Violence or Stalking to anyone else at the university, including the Title IX Coordinator, without the complainant's consent. However, there are limited circumstances that may require a Confidential Resource to report to law enforcement, discussed on the next page of this guide.

Confidential resources must inform the complainant that the disclosure does not constitute notice to SJSU and provide the reporter with information on how to report to the **Title IX and Gender Equity Officer**. Additionally, a confidential resource may have to provide SJSU with non-identifying aggregated information indicating patterns of sexual harassment (e.g., multiple reports of sexual assault in the same location).



Reporting Responsibilities Under California Law

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a ***physical condition*** to a person who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Rape, Sexual Assault, and Dating and Domestic Violence). This exception does ***not*** apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception, if applicable.

Additionally, under California law, ***all*** professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals must explain this limited exception, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking. If applicable, these professionals must explain this limited exception.



What should I say to a student who reports to me?

Sample: Conversation with Student Who Makes A Disclosure

Title IX Guide for Responsible Employees & Confidential Resources Part. I



Faculty and staff are uniquely positioned to assist students experiencing sexual violence, as they often see the warning signs – absence from class, decreased productivity, lower grades, social withdrawal – before others. In addition, as a trusted authority figure, students may turn to you when in crisis and disclose that they have been victims of sexual violence. You may be one of the first people a student confides in, so it is important to know how to handle a disclosure.”

—National Sexual Violence Resource Center

Scenario: When a student does not want to further disclose to you

Student: Can I talk to you about something that happened to me this past weekend? It has to do with someone (intimate partner/spouse/roommate) I've been dating/met online/met in our class.

Faculty/Staff: Of course. I do want to let you know that as an employee here at SJSU, I will need to share any information about sexual harassment with the Interim Title IX and Gender Equity Officer, Peter Lim. Peter can discuss your options to access on- and off-campus support resources to take care of your physical and emotional well-being. We care about your safety and SJSU has created this reporting requirement because sexual harassment in all its forms is unacceptable. If you want, I can help you make a phone call to the office or I can even walk you there. Peter will likely reach out to you by email, and while I encourage you to discuss with him your rights and options, please know that it is entirely your choice to respond or not respond. You will not be forced to share information – your level of involvement is your choice. If you are comfortable with that, I am here to listen to what you are able to tell me. I will only share your information with individuals like Peter who absolutely need to know; we will all strive to protect your privacy to the fullest extent. However, if you feel this is something that you would prefer to keep confidential, I encourage you to speak with our **Campus Survivor Advocate**, and I also have a list of both campus and community resources I would be happy to share with you. We can review those resources together if you'd like.

Student: Yes, I think I would prefer to keep it confidential. Could you give me those resources?

Faculty/Staff: Of course. Here you go (website: sjsu.edu/counselling/advocacy). The **Campus Survivor Advocate** is a confidential resource and located in the Student Wellness Center, Room 300B. If you would like to schedule an appointment via phone, please contact 408-924-7300 and request an appointment with the Campus Survivor Advocate. If you would like to schedule an appointment via email, please email survivoradvocate@sjsu.edu. (Would you like me walk you over or call together?) If you change your mind and decide that you want to report the incident, please know I am here to listen and help.

Next, contact the Title IX and Gender Equity Officer to report and ask questions:

You are not expected to know everything! When the disclosing student is with you or after they leave, you may find that you have questions. Use your resources so that you can provide the best response possible to the student. Additionally, as a “responsible employee,” under the policy, you have an obligation to report information about the incident, including identities of those involved, to the Title IX and Gender Equity Officer – even if they ask to be anonymous.

After speaking with the student, please fill out and submit an online [Incident Reporting Form](#). You may also make a report to the Title IX Office at titleix@sjsu.edu, or by calling either 408-924-7290 (M-F, 8 AM–5 PM) or 669-877-0620 (after hours, voice/text).

Sample: Conversation with Student Who Makes A Disclosure**Scenario: When a student wants to further disclose to you**

Student: Can I talk to you about something that happened to me this past weekend? It has to do with someone (partner/girlfriend/boyfriend/spouse/roommate) I've been dating/met online/met in our class.

Faculty/Staff: Of course. I do want to let you know that as an employee here at SJSU, I will need to share any information about sexual harassment with the Interim Title IX and Gender Equity Officer. The Title IX and Gender Equity Officer can discuss your options to access on- and off-campus support resources to take care of your physical and emotional well-being. We care about your safety and SJSU has created this reporting requirement because sexual harassment in all its forms is unacceptable. If you want, I can help you make a phone call to the office or I can even walk you there. Peter will likely reach out to you by email, and while I encourage you to discuss with him your rights and options, please know that it is entirely your choice to respond or not respond. You will not be forced to share information – your level of involvement is your choice. If you are comfortable with that, I am here to listen to what you are able to tell me. I will only share your information with individuals like Peter who absolutely need to know; we will all strive to protect your privacy to the fullest extent. However, if you feel this is something that you would prefer to keep confidential, I encourage you to speak with our **Campus Survivor Advocate**, and I also have a list of both campus and community resources I would be happy to share with you.

Student: I would like to talk to you about it if that's ok.

Faculty/Staff: Of course, and is it alright if I close the door to keep this conversation as private as possible

Student: Yes, I prefer that, thanks.

Faculty/Staff: Thank you for having the courage to share this with me today. It sounds like you are going through something quite difficult. I am here to offer you support and also serve as a bridge to the many helpful resources available to you. (If the student has made self-blaming comments, you can say: Many people blame themselves for the behavior and choices made by another person. Please remember that it is not your fault and you are not alone.) Here you go (website: sjsu.edu/titleix). *[Please consider filling out the online reporting form with the Complainant so the Complainant knows exactly what you shared with the Title IX and Gender Equity Office.]*

Next, contact the Title IX and Gender Equity Officer to report and ask questions:

You are not expected to know everything! When the disclosing student is with you or after they leave, you may find that you have questions. Use your resources so that you can provide the best response possible to the student. Additionally, as a “responsible employee,” under the policy, you have an obligation to report information about the incident, including identities of those involved, to the Title IX and Gender Equity Officer – even if they ask to be anonymous or to keep their disclosure confidential.

After speaking with the student, please fill out and submit an online [Incident Reporting Form](#). You may also make a report to the Title IX Office at titleix@sjsu.edu, or by calling either 408-924-7290 (M-F, 8 AM–5 PM) or 669-877-0620 (after hours, voice/text).

Title IX Guide for Responsible Employees & Confidential Resources

Part. III

What should I say to a student who reports to me?

What if someone is about to disclose, but I have another obligation to tend to?

Be honest with the person. If you get the sense that someone is about to disclose to you and you have an obligation to be somewhere else or you are otherwise unable to provide the person with your full attention or have an impending deadline, let the student know. It is very obvious if you are distracted, watching the clock, fidgeting, etc. and while you may be well-intentioned, you are doing far more damage by not being present at a time they need you most. You can say something like:



I get the sense that you are about to share something very important with me. I want to be fully present for you, and in this moment I know I cannot give you that as I need to (pick my child up from school, give an exam, make it to my next meeting, etc.). Is there a time later today that we could talk? And if not, can I connect you with someone on campus whom you can speak with more immediately?"

They may say they would rather wait and talk to you when you are available over the next couple of days. You want to honor their wishes, and when sexual violence is involved, time can be a factor, particularly for medical services. If possible, it's important to do your best to speak with them that same day, or at minimum, let them know of their options, including the right to receive a forensic exam.

—Adapted from Culture of Respect

Title IX Guide for Confidential Resources

Sample: Conversation with Student Who Makes A Disclosure

Provide support

Consider the surroundings:

1. Does the student feel safe right now? What would help the student feel more comfortable?
2. Is this area private?
3. Does the student want a support person there with them? A glass of water? A closed or open door?
4. Turn your full attention to the student, ignoring any distractions such as cell phones.
5. Sit on the same level as the student with open body language.
6. Avoid touching or hugging the student, even if you are close with them.

Things you can say:

1. “Thanks for coming to see me (or telling me or calling).”
2. “Take your time.”
3. “What is your biggest concern right now?”
4. “What’s on your mind?”
5. “What can I do to make you feel safer?”
6. “What would help you the most today?”
7. “You have support at SJSU.”
8. “No one should have to face something like this alone.”
9. “How are you feeling right now?”
10. “You did what you needed to do to make it through.”
11. “Feel free to say whatever is on your mind.”
12. “You’re not burdening me, I’m here to help.”
13. “We don’t have to figure everything out at once. Let’s take it one step at a time.”
14. Sometimes nothing; be comfortable with some silence and pauses.

—Adapted from The Respect Program at Emory University



Employee Reporting Responsibilities Under Title IX, Clery and State Law

If You Receive Information About...

Sexual Harassment
Sexual Misconduct
Dating Violence
Domestic Violence
Stalking
Retaliation
Harassment on the basis of sex, gender, sexual orientation, gender identity, gender expression, or sex stereotype
Consensual Relationships where there is a relationship of supervision or authority

And You Are...

A Responsible Employee (includes all SJSU employees, administrators, faculty, staff, student employees and resident advisors except those who are specifically designated as Confidential Resources)

If You Receive Information About...

Discrimination because of any Protected Status.

Harassment because of any Protected Status, except gender, sex, gender identity, gender expression, sexual orientation, and sex stereotype

And You Are...

A Responsible Employee (includes all SJSU employees, administrators, faculty, staff, student employees and resident advisors except those who are specifically designated as Confidential Resources)

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You Must Promptly Share Information With...

Title IX and Gender Equity Officer

TitleIX@sjsu.edu

408-924-7290 (M-F, 8 AM–5 PM) or
669-877-0620 (after hours, voice/text)

Clark Hall 1st Floor
Room 126
One Washington Square
San José, CA 95192-0126

And You May Access More Information At...



sjsu.edu/titleix

B2

You Must Promptly Share Information With...

DHR Administrator

university-personnel@sjsu.edu

UP North:
408-924-2450
Administration Building 218

UP South:
408-924-2250
UPD Building 3rd Floor

And You May Access More Information At...

For Employees and Third Parties:

sjsu.edu/up/myinfo/equal-opportunity/employee-rights-and-complaints

For Students:

sjsu.edu/up/myinfo/equal-opportunity/student-discrimination-and-harassment-complaints

If You Receive Information About...

Clery Crimes, including:

Murder & Non-Negligent Manslaughter

Negligent Manslaughter

Sex Offenses

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

Hate Crime

- Larceny-theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

Dating Violence

Domestic Violence

Stalking

Arrests and Referrals for:

- Weapons: Carrying, Possessing, etc.
- Drug Abuse Violations
- Liquor Law Violations

And You Are...

A Campus Security Authority (CSA) (includes the University Police Department, non-police security staff responsible for monitoring university property, individuals or organizations designated under SJSU policy as an individual or organization to whom students or employees should report criminal offenses, and any SJSU official who has significant responsibility for student and campus activities, including but not limited to housing, student discipline, and campus judicial proceedings.)

You Must Promptly Share Information With...

Clery Act Compliance Coordinator

CleryCompliance@sjsu.edu

408-924-1501

**And You May Access More
Information At...**

sjsu.edu/clery

If You Receive Information About...

Abuse or Neglect of a Child

(under 18), including:

- Death
- Physical injury
- Sexual abuse
- Neglect
- Willful harm or injury
- Endangering of health
- Unlawful corporal punishment or injury

(Note that mutual fights between children, or injuries caused by reasonable and necessary force used by a peace officer acting within the scope of their duties, do not need to be reported)

And You Are...

A **Mandated Reporter** under California law¹ related to Abuse or Neglect of a Child, including:

1. Teachers who instruct students under the age of 18;
2. University employees, faculty, or administrators whose job duties require contact on a regular basis with people under the age of 18;
3. University employees, faculty, or administrators who supervise those in category 2 above;
4. University athletic coaches, assistant coaches, and graduate assistants involved in coaching;
5. Commercial computer technicians;
6. Child care and children's activity providers;
7. Social workers and mental health practitioners;
8. Health care providers;
9. Clergy.

¹ See [California Penal Code Section 11165.7\(a\)](#)

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You Must Promptly Share Information With...

Two steps:

SJSU Police Department

4-222 (on campus) or
408-924-2222

AND Within 36 hours, file a **written report** on Form SS8572 with the SJSU Police Department.

Form available at:

[Suspected Child Abuse Report](#)

And You May Access More Information At...

socialservices.sccgov.org/protective-services/child-protective-services/mandated-reporting

If You Receive Information About...**And You Are...****Abuse of a Dependent Adult or Elder,**³ including:

- Physical abuse
- Abandonment
- Abduction
- Isolation
- Financial abuse
- Neglect

A Mandated Reporter under California law⁴ related to Abuse or Neglect of a Child, including:

1. Any employee (including support staff and maintenance staff) working in any facility that provides any elder or dependent care services;
2. Any employee providing direct health care or social services to an elder or dependent adult;
3. Health care providers;
4. Clergy.

³ Dependent Adult refers to a person between the ages of 18 and 64 with a physical or mental limitation that restricts their ability to carry out normal activities or protect their rights. Includes all people between the ages of 18 and 64 who have been admitted as an inpatient to a 24-hour health care facility. Elder refers to a person age 65 or older. See [California Welfare and Institutions Code Section 15610.23 and 15610.26](#).

⁴ California [Welfare and Institutions Code Section 15630\(b\)](#)

You Must Promptly Share Information With...

For all reports:

SJSU Police Department

4-222 (on campus) or
408-924-2222

AND Depending upon where the abuse occurred, two additional steps:

If the abuse occurred in a long-term care or adult day health care center:

- Make a phone report to the Long Term Care Ombudsman Program at 800-334-9473
- Within 2 working days, complete [Form SOC341](#) and send it to the Long Term Care Ombudsman at the address they provide via phone

If the abuse occurred in any other setting:

- Make a phone report to the Santa Clara County Adult Protective Services at 800-414-2002
- Within 2 working days, complete [Form SOC341](#) and fax it to Santa Clara County Adult Protective Services at 408-975-4910

And You May Access More Information At...

socialservices.sccgov.org/protective-services/adult-protective-services

The below summarizes the California State University Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (rev 1/22/21).

Article I. Statement of Values

The California State University (CSU or University) is committed to maintaining an inclusive and equitable community that values diversity and fosters mutual respect. We embrace our community differences in Age, Disability (physical and mental), Gender (or sex), Gender Identity (including nonbinary and transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion (or religious creed), Sexual Orientation, Veteran or Military Status. All Students and Employees have the right to participate fully in CSU programs, activities, and employment free from Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation.

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 sexual activity is Sexual Misconduct and constitutes a violation of this policy, whether or not the sexual activity violates any civil or criminal law.

This policy is established in compliance with the California Equity in Higher Education Act, Title IX of the Education Amendments of 1972, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (34 C.F.R. 106), the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act, commonly known as the Clery Act) (VAWA) under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws.

Article II. Prohibited Conduct

This Policy prohibits Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation as described below. For the University's definition of terms, please see [definitions policies](#).

The CSU prohibits:

1. Discrimination, including Harassment, because of any Protected Status: i.e., Age, Disability (physical or mental), Gender (or sex), Gender Identity (including transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion (or Religious Creed), Sexual Orientation, sex stereotype, and Veteran or Military Status;
2. Harassment based on any Protected Status;
3. Sexual Harassment, including hostile environment and quid pro quo ("this for that");
4. Dating Violence, Domestic Violence, Sexual Exploitation and Stalking;
5. Sexual Misconduct;
6. Prohibited Consensual Relationships (e.g., a consensual sexual or romantic relationship between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority); and,
7. Retaliation for exercising rights under this policy, opposing conduct that a person believes in good faith is Discrimination or Harassment because of a Protected Status, or for participating, in any manner, in any related investigation or proceeding.

The University shall respond promptly and effectively to all complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and shall take appropriate action to prevent, correct, and discipline conduct that violates this policy. This Executive Order is intended to protect the rights and privacy of both the Complainant and the Respondent, as well as other involved individuals.

Employees and Students who are found to have violated this policy shall be subject to discipline commensurate with the violation. If Employee discipline is warranted, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. § 41301 and Executive Order 1098, or any superseding executive order, if applicable.

Title IX



Office Contact Information

sjsu.edu/titleix



Contact Us

Phone:

408-924-7290 (M-F, 8AM–5PM)

669-877-0620 (after hours, voice/text)

Email: titleIX@sjsu.edu

Visit Office

Clark Hall 1st Floor

Room 126

One Washington Square

San José, CA 95192-0126

