



Respondent Rights and Options

We understand that as a Respondent – or someone who has been accused of Sex or Gender Based Discrimination or Harassment, including Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking, or Retaliation – you may have questions about the Title IX Office, your rights, supportive resources, and available options.

Below are answers to frequently asked questions. We are available to meet with you if you have additional questions or would like to further discuss the information contained in this handout. We care about your wellbeing and want to ensure you are informed about the process. Our door is always open, so please do not hesitate to contact us. You can contact the Title IX Office at:

Contact Us

Peter Lim
Interim Title IX and Gender Equity Officer
Phone: 408-924-7290 (M-F, 8AM-5PM)
669-877-0620 (After Hours, Voice/Text)
Email: titleix@sjsu.edu

Visit the Office

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

What is the Title IX Office?

Under Title IX, a federal civil rights law, and the Interim CSU Policy Prohibiting Discrimination, Harassment Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (the “Policy”), you have the right to be shielded from retaliation, as well as sex- and gender-based discrimination and harassment, which includes sexual harassment, sexual misconduct, domestic and dating violence, and stalking.

Here, at SJSU, the Title IX Office is dedicated to:

1. Fostering gender equity in our education program and activities;
2. Ensuring the fair and equitable provision of supportive measures; and
3. Responding to reports and complaints involving violations of the Policy.

The Title IX Office and our campus partners are here for you whether you have been harmed; have been accused of causing harm; or are just looking for information on how to support a friend who may have been affected by retaliation or sex/gender-based discrimination or harassment.



What is considered Prohibited Conduct at San Jose State University?

San José State University (“SJSU” or the “University”) prohibits a wide range of conduct under the Policy, including:

- o Protected Status Harassment
- o Protected Status Discrimination
- o Sexual Harassment
- o Sexual Misconduct
- o Sexual Exploitation
- o Dating Violence
- o Domestic Violence
- o Stalking
- o Retaliation

The definitions of prohibited conduct are available at:

<https://calstate.policystat.com/policy/10926024/latest/#autoid-qq55j>

Persons of all Genders, Gender Identities, Gender Expressions, and Sexual Orientations can be victims of these forms of prohibited conduct. In addition, sexual misconduct can be committed by an individual known to the victim (referred to as the “Complainant”), including a person the Complainant may have just met, i.e., at a party, introduced through a friend, or on a social networking website.

Why did I receive a Notice of Investigation from the Title IX Office?

The University is required by law to investigate and resolve complaints of this nature. We issued a Notice of Investigation to you because either the Complainant or the Title IX and Gender Equity Officer submitted a formal complaint alleging that you violated the Policy.

The formal complaint is a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature or a document signed by the Title IX and Gender Equity Officer alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment.

The fact that a complaint has been filed against you does not mean that the University has reached any conclusions about whether the alleged conduct has occurred.

What should I do if I receive a Notice of Investigation from the Title IX Office?

You should carefully read the Notice of Investigation you received from the Title IX Office and adhere to the instructions included therein. Make sure to reply to the outreach from the assigned investigator and the Title IX Office.

For more information, you may:

1. Visit the Title IX Office’s website at <https://www.sjsu.edu/titleix>.
2. Contact the Title IX Office to schedule an informational meeting to review the Policy, and to discuss supportive measures and available resolution options.
3. If you want to work with a trained procedural/support advisor, you may contact **Ben Falter**, Senior Student Affairs Case Manager, at:
Phone: 408-924-6303
Email: ben.falter@sjsu.edu
4. Contact one of the confidential resources listed below. In addition, you are encouraged to preserve evidence related to the allegations described in the Notice of Investigation. This can include physical evidence (e.g., notes, calendars, receipts, clothing, etc.), as well as evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.).



What information will I receive about the allegations against me?

The Notice of Investigation contains a summary of the known allegations that includes details such as the name of the Complainant, the date(s), time(s), and location(s) of the alleged incident(s), as well as a summary of the allegations and the specific policy(ies) that are alleged to have been violated. This information is included in the Notice of Investigation to help you prepare for your interview. The Title IX Office will issue an amended notice if any new allegations are made.

What rights do I have in this process?

You have the following rights under the process:

- The right to review the relevant CSU policies and procedures.
- The right to receive notice of the allegations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct that is alleged to constitute a violation of the Policy; and, the date and location of the alleged incident, if known.
- The right to be free from retaliation.
- The right to be treated fairly, equitably, and with respect during the entire process.
- The right to an advisor of your choice for any interview, proceeding, or process-related meeting. Your advisor of choice may not speak on your behalf, with the exception of posing questions to the Complainant and witnesses during a hearing under the Track 1: Federal Mandated Hearing Process.
- The right to receive information from the University regarding how to contact campus police services and local law enforcement.
- The right to receive reasonably available supportive measures such as counseling, academic and work accommodations, mutual no-contact orders, campus escorts, and other support services offered at SJSU and in the community.
- The right to a trained investigator, decision maker, and appellate authority.
- The right to an investigation that is thorough, impartial, and prompt.
- The right to receive written notice of any delays in the process.
- The right to share relevant information, including documentary evidence and the names of witnesses you want the investigator to consider interviewing.
- The right to review and respond to all of the relevant evidence that will be relied on by the decision maker before a final determination is reached.
- The option to appeal the finding(s) on any of the grounds enumerated in the Policy.



Will my parents or anyone else outside of a “need to know capacity” find out that I am a Respondent in this matter?

No. The Title IX Office makes every effort to safeguard the privacy of information contained in new reports, as well as information received during any formal or informal resolution process.

Information received by the Title IX Office is protected by the Family Educational Rights and Privacy Act (“FERPA”), a federal statute that protects information contained in a student’s educational record. Absent limited exceptions, FERPA forbids the University from disclosing information in your educational record to anyone else, including your parents, without your express and informed consent. This includes information contained in investigation reports or outcome letters issued during an investigation.

In addition, information received by the Title IX Office will be handled discreetly; however, the information may be shared with a limited circle of need-to-know individuals, including other SJSU administrators who assist the Title IX Office with the assessment, resolution process, the provision of supportive measures, and other related issues.

Who should I contact if I need a disability-related accommodation?

If you are an individual with a disability and need a reasonable accommodation in order to fully and effectively participate in the investigation process, please notify the Title IX Office as soon as possible. The Title IX Office will work with SJSU’s Accessible Education Center to ensure that your request is evaluated and reasonable accommodations are provided. While such requests may be made at any point during the process, individuals are strongly encouraged to make their requests known at the earliest possible time and, if possible, five business days in advance of an anticipated activity where the accommodation is needed (such as an interview or other meeting).

What is Retaliation?

Retaliation is strictly prohibited by the University. Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:

- a. Exercised their rights under this policy,
- b. Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
- c. Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
- d. Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.

Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

If you believe you or someone else is experiencing retaliation, we strongly advise you to promptly report the behavior to the Title IX Office.



What are the available resource offices?

SJSU appreciates that individuals may prefer to access support or receive their reporting options in a confidential setting. You can share information with a confidential resource and the confidential resource will not share your identity with the Title IX Office or law enforcement. However, all confidential resources may need to share general, non-personally identifiable information with SJSU's Title IX and Gender Equity Officer, as well as the Clery Act Coordinator to comply with federal law. Information shared with any confidential resource does not constitute notice of an incident to SJSU and will not result in any formal action from SJSU without further reporting. Confidential resources can explain how an individual can report an incident to the Title IX Office.

Campus Confidential Resources

- **Counseling & Psychological Services (CAPS) (for students)**

CAPS provides short-term and crisis counseling services to students at SJSU.

For more information regarding services, visit sjsu.edu/counseling.

To request an appointment, please call 408-924-5910, or email: counseling.services@sjsu.edu.

- **Student Health Center (for students)**

We encourage students who have experienced a sexual assault or dating/domestic violence to seek medical services. The Student Health Center can provide STI testing, pregnancy testing, and general health and wellness check-ups.

To schedule an appointment, visit their website at sjsu.edu/studenthealth or call 408-924-6122.

Please note, SJSU Student Health Center does not provide forensic evidence collection, such as a sexual assault forensic exam (often called a "rape kit"). If you are in need of a forensic exam, please visit the Santa Clara County Valley Medical Center Emergency Department or call the SART Coordinator at 408-885-6466.

- **LifeMatters® by Empathia (for employees)**

San José State University's confidential Employee Assistance Program (EAP), is dedicated to employee well-being. From emotional and family counseling to providing geriatric care management, LifeMatters® offers both online and in-person support.

Visit [LifeMatters®](#) online for more information. Password: SPARTANS

To speak to someone from LifeMatters® confidentially, call 800-367-7474.

Visit [Counseling for Faculty and Staff](#) for personal consultations.



Non-Confidential Campus Resources

- **University Police (UPD)**

Campus emergency contact: 408-924-2222

Emergency off campus contact: 911

Anonymous reporting by voicemail or text at 408-337-2919

- **The Ombudsperson (for students)**

The Student Ombudsperson is an advocate for procedural fairness and supports the integrity of the campus and its procedures and ensures the equity of their application.

For more information, visit sjsu.edu/ombudsperson/

To request an appointment, please call 408-924-5995.

- **The Respondent Consultant (for employee and student respondents)**

The Respondent Consultant provides guidance and information about procedures for respondents involved in a process overseen by the Title IX Office. They are not confidential and, as employees, still have a mandatory duty to report any information or reports of misconduct disclosed by the Respondent. Whether you want information or assistance with reporting the incident, or other resources, you can meet with the consultant to review all of your rights and options available on and off campus.

Ben Falter

Senior Student Affairs Case Manager

Phone: 408-924-6303

Email: ben.falter@sjsu.edu

Off-Campus Confidential Resources

These off-campus resources provide confidential support services to survivors of sexual assault, dating & domestic violence, and stalking. They will not report to the SJSU Title IX Office without your consent.

Santa Clara Valley Medical Center

Main Number: 408-885-5000

Website: scvmc.org

YWCA Golden Gate Silicon Valley

24-hour Sexual Assault, Domestic Violence, and Human Trafficking Hotline: 800-572-2782

Website: yourywca.org

Next Door Solutions to Domestic Violence

24/7 Crisis Hotline: 408-279-2962

Website: nextdoorsolutions.org



Asian Women's Home

Hotline: 408-975-2739

Website: dv.aaci.org

Maitri (services for families and individuals from South Asia)

Toll Free Helpline: 1-888-862-4874

Website: maitri.org