HOW SJSU HANDLES REPORTS AND COMPLAINTS INVOLVING DISCRIMINATION AND/OR HARASSMENT BASED ON ANY PROTECTED STATUS OTHER THAN SEX OR GENDER, AND RETALIATION

The applicable protected statuses include: Age, Disability (physical and mental), Genetic Information, Medical Condition, Nationality, Marital Status, Race or Ethnicity (including color, caste, or ancestry), Religion (or religious creed), Veteran or Military Status.

THE FORMAL RESOLUTION PROCESS

- **Filed by Complainant or the Title IX and Equal Opportunity Officer**
- **Includes sufficient detail about the allegations and an overview of the Parties’ rights.**
- **Both Parties may participate in interviews. Both Parties may share relevant information, including the names of witnesses.**
- **Both Parties and their Advisors may review and respond to a Preliminary Report and the relevant evidence gathered.**
- **Fairly summarizes all relevant evidence. The Investigator makes the decision on findings and the report will include sanction(s), if appropriate.**
- **Both Parties may appeal the outcome and/or sanction on limited grounds.**

THE INFORMAL RESOLUTION PROCESS

- **Both Parties want to pursue Informal Resolution**
  - Complainant has submitted a Formal Complaint, a Notice of Allegations has been sent to both Parties, and both Parties have agreed to participate in the Informal Resolution process.*
  - Both Parties sign a consent form acknowledging they understand their rights and agree to participate in the Informal Resolution process.
  - A trained Facilitator meets with Complainant (and their advisor if applicable) to understand their desired outcomes.**
  - Facilitator meets with Respondent (and their advisor if applicable) to see if they agree with Complainant’s desired outcomes, whether Respondent wants to alter any of the proposed outcomes, and/or whether Respondent disagrees with any/all of the desired outcomes.
  - Facilitator continues to meet with Complainant and Respondent (and their advisors) separately to see if they can work toward mutually agreeable outcomes.***
- **Both Parties agree on outcomes:**
  - Facilitator drafts a written agreement that details the agreed-upon outcomes and sends a copy to each Party for their review and signature.
  - If both Parties sign the agreement, its terms become effective immediately. The Office for Title IX and Equal Opportunity maintains a copy of the Agreement and monitors compliance. The matter is closed and cannot be pursued via the formal resolution process.
- **Both Parties do NOT agree on outcomes OR either Party declines to participate further in the process:**
  - Informal Resolution ends and the formal resolution process (investigation, and optional appeal) begins.
  - If Complainant does not wish to proceed with the formal resolution process, Complainant may withdraw their Formal Complaint at any time, thus halting the formal resolution process.

* SJSU maintains discretion to determine whether a matter is appropriate for Informal Resolution.
** Complainant and Respondent never have to see or directly communicate with each other throughout this process.
*** At any point during the Informal Resolution Process, either Party may decide to stop the Informal Resolution Process and initiate the formal resolution process.

Communication and Support:
- The Office for Title IX and Equal Opportunity offers resources and supportive measures to both Parties throughout either resolution process
- Disability-related accommodations available upon request.
- The Office for Title IX and Equal Opportunity provides periodic updates to both Parties.
- The Office for Title IX and Equal Opportunity ensures both Parties comply with the Informal Resolution Agreement between the Parties.