

CAROLYN BROWN | SPARTAN DAILY

SJSU community talks about Title IX

Some on SJSU campus do not trust the Title IX Office due to slow response times, past incidents.

By Alina Ta
STAFF WRITER

The Title IX and Gender Equity Office has a long and difficult road to regaining trust from San Jose State's community.

In 2021, SJSU agreed to a $1.6 million settlement after the U.S. Department of Justice's Civil Rights Division found that SJSU failed to respond adequately to reports of sexual harassment and sexual assault within the athletic department, according to a Sept. 21, 2021 news release from the Department of Justice.

The department also reported SJSU's Title IX Office had been ineffective in responding to reports of sexual harassment and similar crimes, according to the same release.

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>
> **Soma de Bourbon**
> assistant professor
> sociology and interdisciplinary social sciences

SJSU hired Peter Lim, to take over as SJSU's Interim Deputy Title IX Coordinator, on July 1, 2021, according to an email sent on May 22, 2022, by SJSU's then Interim President, Steve Perez.

A year later, Lim was appointed as SJSU's Interim Title IX and Gender Equity Officer.

Lim said Title IX is a federal non-discrimination law that prohibits schools and institutions that receive federal financial assistance from discriminating against others based on sex or gender.

He said the Title IX Office is responsible for responding and investigating complaints which report any form of discrimination based on sex or gender.

Lim said the process includes investigating reports of sexual harassment, sexual assault, dating violence, domestic violence, stalking and similar acts.

He said he and his colleagues have been taking steps to rebuild and improve SJSU's Title IX Office.

"There's tremendous work that still needs to be done," Lim said. "Because we still have a lot of work to do to rebuild that trust or even engender that trust among students and faculty."

Some SJSU faculty members still do not trust the Title IX Office.

"I had to stop telling students to go to [the] Title IX [office]," said Soma de Bourbon, assistant professor in sociology and interdisciplinary social sciences.

De Bourbon said she is not an expert in Title IX, but she noticed the Title IX Office has been having issues since she was hired at SJSU 11 years ago.

She said she used to refer students to the Title IX Office, but stopped after numerous students described their experiences with the office as traumatizing.

"They felt that it was more harmful to go," said de Bourbon.

De Bourbon said she does not trust the Title IX Office because it appears to be the "[human resources] of the university."

"You're actually trying to file a complaint, but the university wants to handle it internally," she said.

Lim said he and some of his other colleagues are not employed by the university, but the Title IX Office does have two internal investigators who conduct investigations when complaints are reported.

Despite knowing the Title IX is making changes, de Bourbon said she still doesn't think the university takes victim's reports seriously.

"If I was sexually assaulted on campus, I would not have gone through Title IX myself," said de Bourbon.

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New Title IX regulation provides new protections to transgender and non-binary students.

By Dominique Huber
STAFF WRITER

The U.S. Department of Education's Office for Civil Rights introduced new Title IX regulations.

Department officials issued a Notice of Proposed Rulemaking, which was announced in June 2022 and is in its final stages of review, where public comments on the proposed changes are considered before finalization.

Peter Lim, interim Title IX and Gender Equity Officer at San Jose State University, said the regulations will likely be finalized in May 2023.

According to the department's Federal Register Notices and Regulations webpage, a Title IX Notice of Proposed Rulemaking is meant to notify the public of any new regulations that will add clarifications or changes to existing policies. It also includes specifications on procedures and requirements for schools' responses to sexual harassment and sexual violence.

Lim said the goal of the Department of Education in implementing these new regulations will be "to remove barriers [. . .] to promote education programs or activities and to respond adequately to sex and gender based discrimination and harassment."

> Pronouns are not an optional thing to use or not use in a classroom. Some faculty like to hide behind academic freedom and it's like, 'No, that's not how it works,' [. . .] you are required by law to respect their gender identity in the state of California.
>
> **Bonnie Sugiyama**
> SJSU PRIDE Center and Gender Equity Center director

Lim said some of the most significant changes to Title IX proposed in the Notice of Proposed Rulemaking are prohibiting of all forms of sex discrimination as well as an updated definition of sex-based harassment with guidelines for how to combat it.

A summary of the proposed changes was released on June 23, 2022 and stated that, "the current regulations cover sexual harassment but do not address other forms of sex-based harassment," such as harassment based on sexual orientation and gender identity.

The updated definition of sex-based harassment is listed in the summary document and would include sexual harassment, with the additions of "harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."

The new regulations will feature bolstered protections for transgender and gender-nonconforming students.

Lim said instances of sex-based harassment like those included in the new definition are rarely reported at SJSU.

"I don't think that's because we're not experiencing, as a campus, discrimination or harassment based on sexual orientation, gender identity or gender expression," Lim said. "People aren't reporting to our office which means, for me, that we need to do more work to inform individuals that this is a safe place to share reports."

Lim said the staff at the Title IX office has implemented multiple practices in an attempt to increase their presence in the campus community and make themselves more approachable.

Two such practices are tabling at campus events and increasing the number of live Title IX training sessions.

According to one report on the Title IX office's presence on campus, data showed that fall 2021 saw six live trainings and zero tabling events.

The same report showed that one year later, these numbers increased, with the Title IX office tabling five times throughout the fall semester and hosting 42 live events.

Lim said another way he and his team

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De Bourbon said she now refers her students to other resources outside of the university who are able to respond to their complaints faster.

De Bourbon said she had a student who was experiencing domestic violence at home and needed a housing voucher to move out.

She said when her student went to the Title IX Office, the staff could not give her a housing voucher unless she maxed out on her loans.

De Bourbon said her student had to go to another organization outside of SJSU to receive temporary housing, access to a support group and extra legal assistance.

"[Survivors] need support in a lot of different ways," said de Bourbon. "And if we're asking survivors to come forward and tell their stories, we cannot do that in good conscience unless we're willing to provide them with the support they need."

Jamie, a faculty member on campus who identifies as transgender, said the Title IX Office is still not doing an adequate job to support victims who file a complaint.

Jamie requested to not use their real name because of fear of retaliation.

Jamie said they reached out to the Title IX Office in March 2022 to file a report after the chairman in their department made transphobic comments toward them.

After reporting to the Title IX Office, Jamie said the staff put them through numerous back and forth email conversations for five months without any direct results.

They said it took months for the Title IX Office to make an in person appointment with them and file an official report.

After five months of emailing, Jamie said the Title IX Office referred them to another department on campus to address their concerns.

"I still do not have any resolution to this problem," said Jamie.

Jamie said they still have not received an email or any more support from the Title IX Office, or any other departments on campus.

After their experience, Jamie said the Title IX Office lacked three important factors: clarity, swiftness and compassion.

"It felt like I was just another file in a system that they had to manage rather than a person with an actual ongoing complaint and problem that needed resolution and still needs resolution," they said.

Lim said that the Title IX Office has been expanding its resources to shorten its response times and to respond to complaints more adequately.

He said the Title IX Office just expanded its staff from two employees, filling seven major positions.

"Regardless of how strong those employees are, or how hard they work, it is impossible for two people to support the needs of 36,000 students and 4,000 employees," said Lim.

According to an email sent on Feb. 15 by Lisa Millora, the vice president for Strategy and Institutional Affairs and chief of staff, office of the president & interim vice president for University Advancement and CEO of the Tower Foundation, the Title IX Office is currently searching for a new Title IX Gender Equity Officer.

To aid the search, Millora said the Title IX Office is scheduled to have a speaking forum on March 14 and March 16 in the Student Union to give students the chance to express their concerns and their expectations for the Title IX Office and the new Title IX Gender Equity Officer.

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have worked to make their services more accessible is by redesigning the Title IX and Gender Equity Office website.

Currently, the first links users see when navigating the site include ways for victims of harassment or discrimination to get help and information on the office's confidentiality policy.

"We need to appreciate that when people experience harm, regardless of their sexual orientation, gender identity or gender expression, the first place they may go is to our website – that they may not be ready to have an in-person conversation," Lim said.

The regulations proposed in the Notice of Proposed Rulemaking are not the only efforts towards trans and gender-nonconforming visibility and representation at SJSU.

Bonnie Sugiyama, SJSU PRIDE Center and Gender Equity Center director, said two important practices are that of allowing graduating students to put their chosen names on their diplomas and allowing students to update their preferred names in the MySJSU system.

The latter practice is one that Gwynevere Pham, a transgender student at SJSU, said she has taken advantage of.

Pham ensured that her chosen name, which she recently made her legal name, would be used on roll sheets and other school documents.

Pham, an electrical engineering junior, said she has appreciated the options SJSU offers to trans students to avoid their deadnames and she has felt generally safe and comfortable as a trans student on campus.

A deadname is a transgender person's birth name with which they no longer identify after transitioning, according to Merriam-Webster dictionary.

"I do like the options that you have," Pham said. "If you haven't legally transitioned yet then you will have your deadname in the records but there's ways to circumvent that."

Pham said the PRIDE Center provides a safe space for LGBTQ+ students to spend time, access resources and feel another source of welcoming energy on campus.

While Pham's experience has been largely positive, she and Sugiyama each said there are always ways for SJSU to improve.

Sugiyama, who said their preferred pronouns are they/she, said they wished the school did a better job of enforcing the use of students' preferred pronouns and chosen names.

"Pronouns are not an optional thing to use or not use in a classroom," Sugiyama said. "Some faculty like to hide behind academic freedom and it's like, 'No, that's not how it works,' [. . .] you are required by law to respect their gender identity in the state of California."

Students are able to enter their preferred pronouns in their MySJSU accounts, but there are no regulations requiring professors or other faculty and staff to learn or use these pronouns.

"I have one professor that I wouldn't say that he's doing it out of malice but [. . .] he kinda just goes around misgendering me," Pham said. "It's fine, I'm going to leave that to he's misinformed or something."

Any trans or gender-nonconforming students who feel they may have experienced sex-based discrimination or harassment can go to the Title IX and Gender Equity Office website for instructions on report or otherwise access resources.

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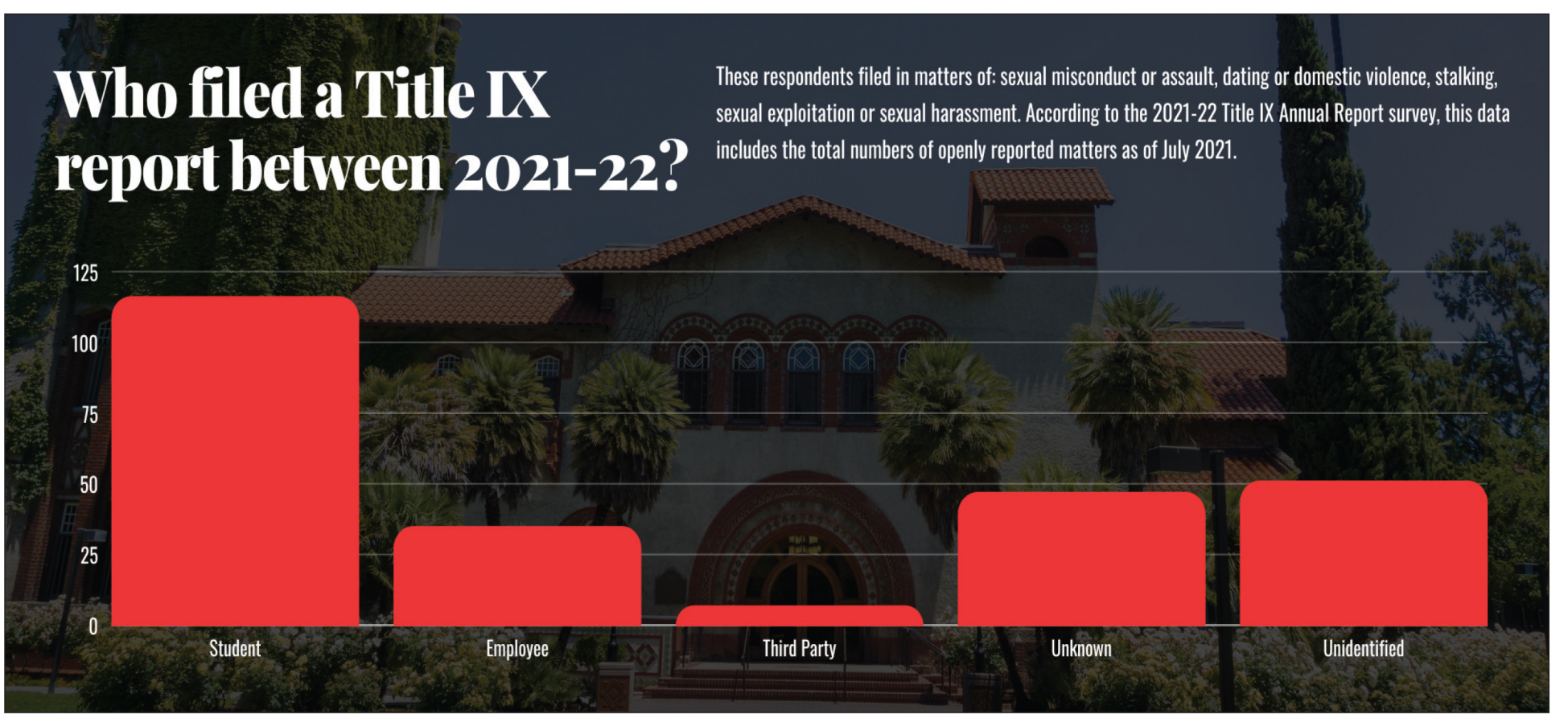

INFOGRAPHIC BY BRYANNA BARTLETT