

# Title IX Training for All CCSNH Faculty/Staff/Employees

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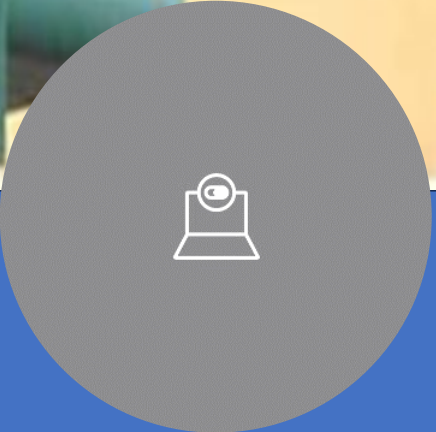
# What is Title IX?

- Title IX is a federal law that prohibits sex discrimination, sex-based harassment, sexual misconduct, and retaliation on college campuses
- Each campus's goal is to **STOP, PREVENT, REMEDY**
- Complainant – Person who may have experienced misconduct
- Respondent – Person alleged to have violated policy



# Consent

- Clear verbal or physical indication for willing and active participation.
- Made free of force, threat, intimidation or coercion.
- Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.
- Going beyond boundaries of consent is not OK – ask if you are unsure.
- Incapacitation is a state beyond drunkenness or intoxication.
  - Slurred speech, vomiting, unsteady posture, odor of alcohol, combativeness, or emotional volatility.



# Policy Definitions

- **Sex-Based Harassment:** A form of sex discrimination and sexual harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Also covers sexual assault, dating violence, domestic violence, and stalking.
  - **Quid Pro Quo:** An employee or other person authorized by the College conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct
  - **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.



# Example – Sex-Based Harassment

- Alex repeatedly makes sexual jokes about Sam that comment on his appearance & allude to Sam offering sexual favors to receive better grades. Alex steals Sam's underwear from his gym bag to wave at their friends to further the joke.
- Karie tells Alex that he cannot talk to any of the male freshman alone because he is gay and she doesn't want anyone to feel uncomfortable.



# Policy Definitions

**Sexual Assault:** Includes rape, incest, & statutory rape.

- The carnal knowledge of a person (i.e. penile-vaginal penetration), without the consent of that person
- Oral or anal sexual intercourse (i.e. penile penetration) with another person, without the consent of that person
- To use an object or instrument (i.e. an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person



## Example - Rape

Adam and Lacey are dating. Lacey is uncertain about whether they should have sex, but Adam is persuasive and finally obtains Lacey's voluntary agreement. As they engage in sex, Lacey says "wait – stop – that hurts." Adam nonetheless continues for several more minutes, ignoring her. Afterwards, Lacey is upset & Adam apologizes, but says they were past the point of interruption.



# Policy Definitions

**Fondling:** The touching of the private body parts of another person for the purposes of sexual gratification

- Includes breasts, buttocks, or genitals whether clothed or unclothed





## Example - Fondling

Sherri and Matt are at a party. Sherri has had a lot to drink & asks Matt to dance. He declines, but Sherri tries to convince him by sitting on his lap and grinding on him. Matt tries to remove Sherri from his lap. She grabs his crotch and tells him he should come back to her room. The next day when Matt confronts Sherri, Sherri tells him that it wasn't a big deal because he is a man and men only want sex.



# Policy Definitions

**Stalking:** Engaging in a course of conduct on the basis of sex that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

- Course of conduct means two or more acts i.e. following, monitoring, observing, surveilling, threatening, or interfering with a person's property.



# Example - Stalking

Amanda met Robbie on the 1<sup>st</sup> day of class. They end up in the same study group & everyone exchanges numbers. Robbie texts Amanda outside of the group chat occasionally. Amanda responds, but the conversations are brief. Robbie asks Amanda out on a date & she declines. Robbie texts Amanda more frequently & Amanda stops answering. Robbie starts to show up frequently around Amanda, such as sitting near her in the dining hall & showing up to the gym at the same time. One day, Robbie leaves a note on Amanda's car to say that her windshield wipers are broken. Amanda never told Robbie what her car looked like or where she typically parked.



# Policy Definitions

**Dating Violence:** Violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

- Can include sexual or physical abuse or threat of such abuse.

**Domestic Violence:** Felony or misdemeanor crimes committed on the basis of sex committed by a current or former spouse or intimate partner



# Example – Dating/Domestic Violence

Matt and Emily have been dating for 5 months. Emily makes Matt feel valued and lets Matt know how important he is to her. Though Matt reciprocates these feelings, Emily starts to accuse Matt of not caring & of trying to spend time away from her because he doesn't love her anymore. When Matt leaves for class, Emily tries to stop him because she says Matt cares more about class than her. Emily begins to accuse Matt of cheating and says that she would kill herself and it would be his fault. One day, Matt and Emily are arguing about him going home for the weekend. Emily slaps Matt across the face. Matt is upset but is not sure if this is an issue because it didn't leave a mark.



# Policy Definitions

**Retaliation:** Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX

- Making a report or complaint, testifying, assisting, or participating/refusing to participate in any manner



## Example – Retaliation

Steve is a respondent in a Title IX investigation. When Steve reads the investigative report, he sees a witness statement from Emma providing evidence that has a negative impact on Steve's credibility. Steve confronts Emma and tells her that if she does not take back her statement, he will accuse her of violating other school policies and that Steve and his friends will make sure that there is enough evidence for Emma to get expelled.



# Policy Definitions

- **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited
  - Can include recording another person's sexual activity without consent, distributing or sharing recordings/images of another person's sexual activity or nudity, knowingly spreading an STI, and more.





# Examples- Sexual Exploitation

- Jess sends Allan photos of herself nude while they are dating. Jess cheats on Allan, so to get back at her, Allan sends the photos to several of their friends to embarrass her.



# Reporting Expectations

- You are a **Mandatory Reporter**
  - You need to share *ALL* information you have.
- You need to report even if you believe the issue has already been reported.
- Reporting does not automatically mean there is an investigation.
  - The victimized person does not need to talk to the TIX office. You are providing them with an opportunity to access resources.



# Pregnancy Reporting/Accommodation Expectations

- All college employees who become aware of a student's pregnancy or related condition **MUST** provide the Title IX Coordinator's contact info & communicate that TIXC can take action to prevent discrimination and ensure equal access.
- Pregnant students are entitled to reasonable accommodations without documentation. TIXC & accessibility coordinator will coordinate with faculty/staff.
- Student Parents also entitled to reasonable academic modification during first 6 months
  - Note that applicable policy will cover parents (adoptive, foster, stepparent, legal custodian, guardianship, etc.) and pregnancy/related conditions (pregnancy, childbirth, termination, lactation, related medical conditions, recovery, etc.)



# Step #1: Evaluate Your Own Readiness

- Can you take this report on your own?
- What is your current emotional state?
- What is your level of comfort with this material? With this specific person?
  - Can refer directly to TIX office if needed.



# Step #2: Assess for Crisis

- If the person is physically injured or in a state of high mental distress, call Public Safety or 911.
- Public Safety can:
  - Call the local police department.
  - Arrange for an ambulance or other transportation to get to the hospital.
- Clear the space of onlookers.



# Step #3: Go to a Private Space

- Ask the student where they'd like to go.
  - Your office, classroom, or a quiet lounge.
  - Check if they would like the door open or shut.
- Check in to see if they'd like to have someone with them while they report.
  - Ask people to leave if the student does not want them there or seems uncomfortable.
  - Otherwise, a support person for them can be helpful.



# Step #4: Explain Your Reporting Obligations

- Start by sharing that you are required to report everything you are told with the TIX Office.
- Let the student know that they do not have to tell you everything if they aren't comfortable.
- If the student does not want to share specifics or is worried about the TIX Office finding out, connect them with Confidential Resources.



# Step #5: Listen

- Listen and keep a calm demeanor.
- Do not ask investigatory questions.
  - Well meaning questions can sometimes be harmful (Why didn't you leave? Did you tell them to stop?)
  - We want to minimize the amount of times they need to share their full story.
    - Will need to do this in depth with our office & even more in depth if there is an investigation
- You are welcome to take notes, but ensure you pass those on to TIXC
  - Written notes tend to be received better





# Step #6: Ask if Student had Immediate Needs

- Does the student want to talk to someone right away?
  - 24/7 Confidential Resources and/or police.
- Does the student want supportive measures?
  - TIX Office for outreach.
- Does the student have somewhere safe to return?
  - Connect with residence life or confidential resources as applicable.
- Does the student need medical care?
  - Refer to on campus/local medical services.



# Step #7: Help the Student Make a Plan

- If the student has not asked for any immediate resources and is comfortable waiting for outreach from the TIX office or the police, ask the student what they are going to do after they finish talking to you.
  - Can they speak to a family member or friend?
  - Will they go back home to nap? Watch Netflix? Go to class or the gym?



# Step #8: Report

- You have two options when fulfilling your reporting obligations:
  - Use the Reporting Form button on your schools TIX webpage.
  - Email your Title IX Coordinator directly.
- Do NOT share the information you receive with other students, faculty, or staff.



# What Happens After a Report is Made?

- Complainant typically gets to choose next steps
  - Confidentiality Requests/Providing Supportive Measures Only if available
  - Informal Resolution
  - Formal Investigation
- We assess for whether the allegations if proven true would meet a policy violation
  - If not, we may refer to conduct/student affairs or have an educational conversation.



# Formal Investigation

- Can be lengthy due to federal law and need for extensive evidence collection
  - This process is designed to investigate things that are potentially also crimes and can result in dismissal from the institution
- Presumption of good faith reporting & presumption of not responsible.
- Don't assume there is not enough evidence to investigate. It is rarely word against word, and even when it is, an investigation and decision of responsibility can still be made.
  - Credibility assessments, surveillance footage, witness statements, etc.
  - Lack of information can sometimes be what is needed in an investigation



# Be an Active Bystander

- Being an active bystander is recognizing potentially harmful interactions & responding in a way to positively influence the outcome
- If you notice a questionable incident taking place, interpret whether it is an emergency and could use your intervention.
- Assume responsibility to help, even if other bystanders are present.
  - Research shows bystanders are less likely to help if there are others around they think may step in first.
- Intervene
  - Help the person leave the situation, confront the behavior, diffuse the situation, or call for additional support
  - Do not be antagonistic, avoid using violence, be honest & direct, recruit help if necessary, keep yourself safe
  - THE 3 D'S - Direct, Distract, Delegate
    - Directly confront inappropriate behavior
    - Distract by drawing away or diverting attention (Let's go dance! Come to the bathroom with me? Lets talk about your assignment)
    - Delegate by reaching out to someone else for help, such as public safety or the police.



# On & Off Campus Resources

- Look to your individual TIX policies online to refer students to your on and off campus resources
  - Note on-campus Health Center, Counseling Office, and Public Safety contact info
  - Note off-campus local domestic & sexual violence agency, local police department, and local hospital/medical services

