The content and discussion in this presentation will necessarily engage with sex- and gender-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

There may be examples and/or scenarios that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language.

This content may be difficult and you are encouraged to take care of your wellbeing.
**KEY PLAYERS**

**DEIDRE HOPKINS**
- Title IX Coordinator
- Equity Officer

**BETSY ASPINWALL**
- Interim Dean of Students
- Deputy Title IX Coordinator

**ZACHARY WILLIAMS**
- University Investigator

**ALEX FIELDS**
- Director of Department of Student Community Ethics

**NANCY FORD**
- Director of Employment Relations, Talent Acquisition and Development
OVERVIEW OF TITLE IX
“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
WHO IS PROTECTED UNDER TITLE IX?

Anyone involved in an education program or activity in the US.

• Students
• Faculty
• Staff
DISCRIMINATION ON THE “BASIS OF SEX”

- Disparate Treatment
- Disparate Impact
- Sexual Harassment

Discrimination on the Basis of Sex
UNIVERSITY PROCESSES FOR HANDLING SEXUAL HARASSMENT
THREE WAYS OF HANDLING SEXUAL HARASSMENT

**WCU Policy 129 Title IX Sexual Harassment**
- New Title IX Regulations released in May 2020 limit the definition of conduct that falls under Title IX.
  - Jurisdiction:
    - Faculty/Staff/Students
    - USA
    - Educational Program/Activity
    - University Property

**Student Code of Conduct**
- Covers other student sexual misconduct that doesn’t meet the definition of Title IX Sexual Harassment.
  - Jurisdiction:
    - Students
    - Conduct that occurs on/off campus.

**WCU Policy 53 Unlawful Discrimination**
- Covers other employee sexual misconduct that doesn't meet the definition of Title IX Sexual Harassment.
  - Jurisdiction:
    - Faculty/Staff/Students
    - Conduct that occurs on/off campus.
CRIMINAL V. UNIVERSITY PROCESSES

Criminal Conduct

Policy 129: Title IX Sexual Harassment

Policy 53: Unlawful Discrimination

Student Code of Conduct
Universities can handle bad conduct that doesn’t fit into the Title IX definition or jurisdiction through other processes.
SEXUAL HARASSMENT AND PROHIBITED CONDUCT
DEFINITION OF SEXUAL HARASSMENT

**Quid pro quo**: an employee of the respondent conditioning the provision of an aid, benefit, or service of the respondent on an individual’s participation in sexual conduct;

**Unwelcome conduct** determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or

**Sexual assault, dating violence, domestic violence, or stalking** as defined by relevant statutes.
EXAMPLES OF UNWELCOME CONDUCT OF A SEXUAL NATURE

**PHYSICAL**
- Touching that is inappropriate in the workplace/classroom:
  - Patting
  - Pinching
  - Stroking
  - Brushing up against the body
- Attempted or actual kissing;
- Attempted or actual fondling;
- Attempted rape or rape

**VERBAL**
- Offensive jokes of a sexual or sexist nature;
- Requests for sexual favors;
- Requests for dates;
- Compliments of a sexual nature.
- Cat calls

**NON-VERBAL**
- Sexual looks such as leering and ogling with suggestive overtones;
- Licking lips or teeth
- Winking
- Throwing Kisses
- Unsolicited photographs

*Conduct must be unwelcome.

**Verbal and nonverbal behavior may not violate policy on the first incident.
PREVENTION, INTERVENTION, AND RESPONSE
Encourage your students, student employees, and coworkers to attend campus programing. Even your dept can participate.

Bystander Intervention
Direct, Distract, or Delegate

Talk to your students about taking care of one another.

Programming can be found at safe.wcu.edu
WCU kept the **Responsible Employee** framework.

Who is considered a **Responsible Employee**?

**ANY AND ALL EMPLOYEES**

- **All Employees** are required to report known incidents of sexual harassment
- “On/Off Duty” does not apply
- The behavior does not have to be confirmed
- Non-employees are encouraged but not required to report.
HOW DO I REPORT?

If it involves a crime, report directly to WCU Police, then the Title IX Coordinator.

Methods of submitting reports:
University Police 828.227.8911 (emergency) or 828.227.7301 (non-emergency)
Title IX Coordinator
Dean of Students
Human Resources
TRAUMA-INFORMED APPROACH

Be clear and up front regarding confidentiality

Ask if they are safe

Please DO NOT ask for details

Believe them

Offer to walk them to UPD/DOS/TIX

Hand them off to a qualified expert
WHAT HAPPENS WHEN I REPORT

REPORT
Complainant Led
Supportive Measures

INVESTIGATE
Fair and Impartial
All Parties Share

ADJUDICATE
Informal Resolution
Formal Hearing
Student placements (clinical, internships, practicums, etc.) are part of an education program or activity.

Pregnancy & Parenting

Don’t assume that the victim has called the Title IX Coordinator or the Police

Report the event, even if it happened months ago

Same sex discrimination; everyone is protected

If it relates to our campus in any way, we need to respond
Complainants and Respondents are entitled to an advisor of their choice.

The University has trained advisors that they can use, or it can be a friend, family member, attorney, etc.

Volunteer to serve as an Advisor.
SUPPORTIVE MEASURES

WHEN ARE SUPPORTIVE MEASURES PROVIDED?
• May be implemented as soon as the incident is reported.

TYPES OF SUPPORTIVE MEASURES
• No Contact Order
• Housing Accommodations
• Course-related adjustments
• Police escorts
• Leave of absence notifications
• Etc…

WHO CAN RECEIVE SUPPORTIVE MEASURES?
• Either Party so they may continue to access their educational programs and activities in a safe environment
If you don’t know, call me.

The investigation is a collaborative process.

Everyone can and should expect a fair process.

Invite me to have a conversation with your department or group.
QUESTIONS?

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safe.wcu.edu