CAMPUS TITLE IX | SEXUAL HARASSMENT TRAINING

STUDENT TRAINING 2023
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
• Associate Dean of Students

ZACHARY WILLIAMS
• University Investigator

ALEX FIELDS
• Director of Department of Student Community Ethics

NANCY FORD
• Director of Employment Relations, Talent Acquisition and Development
“No person in the US 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.”
TWO WAYS OF HANDLING STUDENT SEXUAL HARASSMENT THROUGH THE UNIVERSITY

PROCESS A: Policy 129 – Title IX Sexual Harassment

• Title IX Sexual Harassment is limited to:
  • 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.

PROCESS B: Student Code of Conduct

• Covers other student sexual misconduct that doesn’t meet the definition of Title IX Sexual Harassment.
CRIMINAL VS. UNIVERSITY PROCESSES

Criminal Conduct

Title IX
Sexual Harassment

Student Code Violation
SEXUAL HARASSMENT PROHIBITED BY UNIVERSITY POLICY
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.*
(4.07) CONSENT - approval and permission to engage in mutually agreed upon sexual activity demonstrated by clear actions, words, or writings.

- **Consent cannot be granted when:**
  - The other party is under the age of legal consent:
  - The other party is asleep or unconscious:
  - The other party was coerced; intimidated; or threatened with mental or physical force.

- **Consent is not to be inferred from:**
  - Silence, passivity, or lack of resistance; and/or
  - An existing or previous dating or sexual relationships.

Unwelcome conduct means there is **NO** consent for the conduct.

It is the **responsibility of each party** to determine that the other has consented **before** engaging in the activity.
CONSENT TEA VIDEO
BY BLUE SEAT STUDIOS
HYPOTHETICAL #1

Andy and Bobby meet at a party and realize they live in the same apartment complex. When the party ends, Bobby’s friend gives them a ride home. During the ride, Andy and Bobby kiss. Then, Andy texts a friend that they had met a “hot” person at a party and is “totally going to hook up.” Once at the apartment complex, Bobby asks Andy if they want to have sex; Andy says yes and kisses Bobby. Andy and Bobby walk to Bobby’s apartment mutually holding hands, and immediately walk to Bobby’s bedroom. When Bobby and Andy get to the bed, they undress themselves and Bobby engages in sex with Andy. After a few minutes, Bobby begins engaging in “rough sex” and slaps Andy a few times. Andy tried to block a couple of the slaps stating they don’t like rough sex but Bobby continued until they were “finished.” As soon as it was over, Andy leaves Bobby’s apartment.

Did Bobby have consent?

YES  NO
Casey and Devon have been in a sexual relationship for about 3 months and both describe the relationship as “friends with benefits.” Generally, once a week, one will text the other to see if they want to “hook up.” “Hooking up” usually consists of watching TV, making small talk and, at some point, one person initiates kissing and then sex. Once early in their “FWB” status, Casey & Devon had consensual penetrative intercourse. Since that time, all sexual contact has been oral. One night, Casey invites Devon to their apartment. Casey told Devon they only wanted oral, as usual. When Devon arrives at Casey’s apartment, neither person exchanges any words. Instead, Casey and Devon begin kissing. Casey begins performing oral sex on Devon. Then Devon penetrates Casey with his penis.

Did Bobby have consent?
“NO” MEANS NO, BUT SO DOES:

- Crying, screaming, or other verbal distress.
- I need to study for a test.
- I need to clean my room.
- That hurts.
- Maybe another time.
- I would, but…
- Eh…
- I don’t want to do this anymore.
- I’ve changed my mind.
- Not today.
- I’m not sure.
- Let’s just chill.
- Turning away
- I’m not comfortable with this.
HOW TO ASK FOR CONSENT

- Can I kiss you?
- Does this feel good?
- Do you want me to put on a condom?
- Do you want me to keep going?
- Do you want to try…?
- How far do you want to go?
- Can I help you out of your clothes?
- Is this okay?
- Is that good?
- What do you like?
- Like this?
- More?
- Want to talk?
- Can I help you out of your clothes?
- What excites you?
- Is it okay if I touch you here?
HOW DO I REPORT?
REPORTING PROHIBITED CONDUCT

• If it involves a crime, report directly to the police, then the Title IX Coordinator.
  • 828.227.7301 (non-emergency)
  • 828.227.8911 (emergency)

• Report it even if it happened months (or years) ago.

• Report even if it the behavior has not been confirmed.

• Do not assume that the victim/complainant has reported.
WHAT HAPPENS WHEN I REPORT

Your report will prompt University administrators and/or police to reach out to you (or the victim, if you are not the victim).

The victim will receive information about supportive measures, local resources, and how to pursue University or Criminal action.

Everyone can and should expect a fair process.
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
YOU CAN BE PART OF THE SOLUTION

• It is important to emphasize that the only person responsible for committing sexual misconduct is a perpetrator.
  • Review the information on what sexual misconduct is and then reflect on your own behaviors. If you recognize that you have been doing some of these behaviors, it is time to stop.

• Bystander Intervention

  DIRECT
  • Direct means that you directly confront the situation.

  DISTRACT
  • Distract means you intervene in the situation by distracting the parties.

  DELEGATE
  • Delegate means you enlist help from others.

• Watch out for one another.

• Report misconduct to the University.
**FINAL NOTE**

If you don’t know, call me.

The investigation is a collaborative process.

Everyone can and should expect a fair process

---

**SAFE**

Supportive Measures

Ask for Consent

Follow Policies

Effective Reporting