Stand Up Against Violence: Title IX Review and Updates

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Title IX: The Basics

- Title IX prohibits discrimination on the basis of sex (gender) in education programs or activities operated by those institutions receiving Federal financial assistance in the US.
- Title IX is most often connected with gender discrimination in sports – but it’s so much more than that!
- Today’s focus is on sexual violence, which is a form of sex discrimination prohibited by Title IX.
- Thank you for your consultations and reports to us this past year – we were able to provide support to a number of MC community members through your assistance.
What is Sexual Violence?

- A severe form of sexual harassment

- Refers to sexual acts perpetrated against a person’s will where consent is not obtained or where a person is incapable of giving consent.

- Includes:
  - Non-consensual Sexual Conduct
  - Non-consensual Sexual Intercourse
  - Sexual Exploitation
  - Sexual Harassment
  - Stalking
  - Sexual Coercion or Intimidation
  - Relationship Abuse or Violence
  - Gender-based harassment
Sexual Violence Definitions:

• **Non-consensual sexual contact** – ANY sexual contact that occurs without consent, including intentional touching of any area

• **Non-consensual sexual intercourse** – defined by penetration (anal, oral or vaginal) by a penis, tongue, finger or object

• **Sexual exploitation** – taking sexual advantage of another person without effective consent (example: taking a video of someone performing a sexual act and distributing this)

• **Stalking** – repeated contact or any other course of conduct directed at a person that may cause physical, emotional or psychological fear

• **Sexual harassment** – unwelcome sexual advances, requests for sexual favors. Includes threats; unwanted sexual flirtations or propositions; unwanted graphic verbal comments about a person’s body; unwelcome touching or physical contact

• **Sexual coercion or intimidation** – an unreasonable amount of pressure to engage in sexual activity
What is considered sexual violence, continued……

• **Relationship Abuse or Violence** - coercion, abuse or violence between partners in a personal, romantic or intimate relationship. This behavior can be physical, sexual, psychological, verbal and/or emotional.
  – Can occur between persons of the same or different gender
  – Can occur between current or former intimate partners who have dated, lived together, or been married
Other prohibited conduct

• Complicity – aiding or abetting an act of sexual violence
• Retaliation
• Wrongful Allegation
Consent: Yes means Yes

- Clear words or actions that demonstrate a knowing and voluntary willingness to engage in mutually-agreed-upon sexual activity.
- Is informed, freely given and mutual.
- Cannot be gained by force, intimidation, duress, deception or by ignoring objections.
- Cannot be inferred from silence or any other lack of active resistance.
- May not be implied by attire or money spent.
- Prior consent does not imply future consent.
Sexual Violence Stats:

- Anyone can experience sexual violence, but most victims are female – 20% to 25% of college women reported experiencing an attempted or completed rape during college. 6% of college men report the same.
- Majority of campus sexual assaults occur when individuals are incapacitated, primarily by alcohol.
- Stats underestimate problem because it’s believe many cases aren’t reported.
According to the US Department of Education:

106 colleges are currently under investigation (as of April 2015) for not effectively handling reports, procedures and issues related to sexual violence/Title IX reports on their campuses.
Updates

- Ongoing info, requirements and clarifications from Dept. of Education regarding Title IX – April 2015 Dear Colleague letter and Title IX Coordinator Resource Guide; VAWA and SAVE Act
- Participated in ongoing training and research – other colleges, NCICU, CRC, Interact, Solace Center, Chrysalis Network Director
- Discussions with MC confidential resources, faculty representatives, and other MC community members
- Provided training for new students and RAs
- Provided info/briefing to Board of Trustees
- Created anonymous online reporting form, Title IX campus poster
- Updated campus policy and grievance procedures
- Working on creation of advisory committee – including student, faculty and staff representatives
Our Obligations Under Title IX

Take *immediate, appropriate* action once we know or reasonably should know about possible sexual violence, prevent its recurrence and address its effects.
Scope and Jurisdiction

• Applies to all members of MC community; includes on-campus and off-campus conduct

• To determine applicability of policy to off-campus conduct, Title IX Coordinators will determine:
  – seriousness of the conduct;
  – risk of harm or threat to MC community member or others;
  – whether both parties are MC community members;
  – action part of a series of actions occurring off or on-campus.

• Also applies to complaints brought by non-MC community members against a MC community member

• Even if the College does not have jurisdiction over the respondent, the College will evaluate the situation to assess for safety of the individual and the campus community, to the extent possible

• Resources from the College may be made available to a campus community member, even when a disclosure is made by an individual that is not considered a formal complaint.
Important to remember…..

• Meredith College understands that an individual may not be ready to make a decision about next steps but the College will provide resources and support, to the extent possible, as requested.

• A report to a Title IX Coordinator does not mean that the result will always result in formal investigation or adjudication.
Title IX Coordinators:

Title IX requires designation of a coordinator to have oversight of the policies, implement institution-wide educational programs and investigate any complaints:

Pamela Davis, Coordinator
Director of Human Resources
1st Park Center / Human Resources
919-760-8760

Ann Gleason, Deputy Title IX Coordinator
Dean of Students/2nd Park Center
919-760-8521
Title IX Information:

The College’s policy and grievance procedures on sexual violence can be found at:

http://www.meredith.edu/title-ix/

This page includes links to other pages on campus (including HR, the Dean of Students’ Office, Chaplain’s Office, Health Center, Counseling Center, Campus Police) and other community resources.
Grievance Hearing Board

• If a decision is made to address a formal complaint through adjudication on campus, this will be addressed through the College Grievance Hearing Board.

• The complainant and the respondent will be granted the same rights and access to provide an equitable and fair process that provides the same opportunities to both parties, including the right to an adviser.

• Preponderance-of-the evidence (more likely than not) standard in fact-finding and hearing procedures.

• Right to an appeal.

• Both parties receive written notification of the outcomes of both the hearing board’s decision and appeals.
What if I become aware of a situation?

• If an individual shares with you that s/he has been involved in an act of sexual violence or misconduct, the College has been “placed on notice” per Title IX.

• “Knew or should have reasonably known…” standard.

• There is an expectation for you to report the information:
  – Title IX Coordinator (Director of Human Resources)
  – Deputy Title IX Coordinator (Dean of Students) – if student involved

Meredith College understands that an individual may not be ready to make a decision about next steps but the College will provide resources and support as requested, to the extent possible.
Shouldn’t I just direct them to the police?

• College can take interim actions at any time, even as incident may be reported to local police.

• Complainants have the right to file both criminal charges and College conduct charges.

• The College conduct process is not a substitute for criminal proceedings. They may run parallel when there are overlapping charges.
• College conduct process is not “double jeopardy” because the conduct process is administrative, versus a criminal process.

• Different standards of decision making are applied: Burden of proof vs. preponderance of the evidence

• Since both processes are different, there may be different outcomes.
Your role as an employee

- Be familiar with College policies and follow these
- Be approachable: Provide support and assistance; follow up with complainant
- Be an effective bystander – reach out when appropriate
- Follow up with Title IX Coordinator(s) with information and reports
- Do not investigate a complaint
- Refer to appropriate resources for counseling and other professional support
- Maintain privacy – share information only on a need-to-know basis
What do I say?

Offer support – be compassionate and non-judgmental

- General talking points:
  - “Thank you for sharing this with me. I imagine it must not be easy, so I am honored you chose to reach out to me.”
  - “You are not alone and there are resources to help you.” Show the Title IX info page, resources and reporting info.
  - “Would you like for me to connect you with resources that are available to you?”

*If person needs immediate medical attention:*

- “In addition to being concerned about your safety and well-being, I am also concerned about your health – would you like to seek medical attention?”
- Interact’s Solace Center: 919-828-3067 (off campus)
- MC Health Services: 919-760-8535 (on campus)
If person wants additional resources……

• “I would be glad to connect you with available resources.”

• **Confidential** on-campus resources:
  - Counseling Center, Carroll Hall
  - Health Services, Carroll Hall
  - Chaplain, Jones Chapel

Other resources:
Campus Police, 919-760-8888, Raleigh Police, 911, Interact Hotline, Title IX Coordinators
If person wants to report incident:

“I am glad to help you with this……..would you like for me to go with you to report the incident?”

• If person wants to report on his/her own:

“After you contact the Title IX Coordinator, she will give you information about resources and next steps. Is it OK for me to follow up with you to see how you are doing?”
What if they decide they don’t want to share information and there is a safety issue?

• “Your safety and the safety of other community members are important to me. I will need to share this information with a Meredith Title IX Coordinator so that she can take the necessary steps. I want you to know that you are not alone and there are resources to help you.”

• Offer to go with them to report the complaint.

• If person ask you not to report it, tell her/him that you have an obligation to report what s/he has told you. The College will only share information on a need to know basis to maintain privacy to the extent possible.

• If there is a safety issue and the person does not want to report a complaint, you need to share any information you’ve been given with a Title IX Coordinator since the College has an obligation to investigate and take any corrective and interim actions.

• Inform them that they will probably be contacted by someone who works with these types of complaints to explain resources and options available to them.
What if the person discloses a past situation to you?

• Some examples:
Student discloses past experience of off-campus sexual violence not involving another MC community member in paper, assignment, internship placement application, etc. – meet with student to offer support and resources:
“I am glad that you felt comfortable in sharing this with me. Is there anything you need? There are many campus resources available to you if you need any support or assistance (list a few, such as counseling center, Chaplain).” Offer to go to the Title IX web site if they need more info.

Next step: Employee contacts a Title IX Coordinator to give initial info about the disclosure and what resources were offered. May not need to disclose individual’s name or identifying info, but faculty/staff member cannot guarantee confidentiality. Title IX Coordinator will document disclosure and what resources were offered to the individual.

*If student states there is ongoing or immediate concerns of threat or harm, offer assistance with reporting to Title IX Coordinator. “Your safety and the safety of everyone is very important to me…….”
Privacy and Confidentiality

• In any of these situations, it is appropriate to mention that their privacy is important to us. Even though we cannot guarantee confidentiality, information will only be shared on a “need to know” basis.
What if I do nothing?

- Consider the potential harm to the person
- Consider the potential harm to others
- The College still can be liable because “we” knew or should have known. Costs could include legal fees, time spent on the case, negative publicity and damaged reputation, fines, etc.
- You could be held personally liable
An Ounce of Prevention...

• Model appropriate behavior; remember you are in a position of power

• Empower students and coworkers
  – It’s okay to tell someone that their attention or conduct is offensive or unwelcome
  – It’s okay to ask a person to stop

• Be careful when using social media

• Remember your role when attending or inviting students to social functions

• Think about how your actions may be perceived by others / will they understand your intent?
Case Study:

Sarah is a student in your class and you notice that she has been crying and she seems anxious. You approach her after class and she shares with you that she is upset about something that happened last night. She shares that she had a date with a guy, Brian, she met through friends. Following the date, they decided to go back to her apartment to watch a movie. She said that Brian forced himself on her and had sex with her even though she told him she did not want to. He then left the apartment and she did not sleep the rest of the night. She shares with you that she is afraid to go back to her apartment because he knows where she lives. She said she trusts you and needs help.

What do you do?
What happens next at Meredith?

• Policy and procedure updates in all student and employee handbooks; posters on campus
• Inclusion of anonymous reporting form on Title IX web site
• Training for new students at new student orientation; RA training
• Ongoing briefing and updates for MC employees based on new federal requirements and guidance
• Fall program for first year students about sexual violence and bystander intervention
• Targeted emails to campus on resources and the Title IX site
• Creation of advisory committee to assist with campus training and educational opportunities and programs
Questions
and Answers