

Title IX and Sexual Misconduct Policy Updates

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MEREDITH COLLEGE | Going Strong



Introductions and Goals of Session

- What is Title IX?
- New changes in Title IX regs
- What has changed and what has not
- Employee role and responsibility

Title IX

Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities operated by those institutions receiving federal financial assistance in the U.S.

-In 2011, Dept. of Ed issued “Dear Colleague” letter to colleges in U.S.

-In May 2020, Dept of Ed released New Title IX regs (“Final Rule”); colleges required to comply by August 14, 2020



Why is this an issue for colleges and universities?

- 23% of all undergraduate women experienced completed or attempted sexual assault. (*Association of American Universities 2015 Campus Climate Survey*)
- Women ages 18-24 are at elevated risk of sexual violence - three times greater risk compared to all women in the U.S. (*National Crime Victimization Survey, 2014*)
- Sexual violence can occur between persons of same or different genders
- Stats underestimate problem (many situations go unreported)



Some Common Effects of Sexual Violence

- Depression
- Change in sleep pattern
- Inability to concentrate
- Fear / worry / anxiety
- Loss of energy / persistent fatigue
- Flashbacks
- Anger / irritability / agitation
- Rape Trauma / PTSD
- Pregnancy / STI
- Suicidal thoughts
- Feelings of worthlessness, hopelessness, guilt
- Fear of not being believed
- Social withdrawal



What is New in Title IX?

Narrowing under new Title IX regs:

- Definitions of sexual harassment under Title IX
- Geography/location of activity (on campus and in U.S.)

Prescribed hearing procedures - more court-like; can be a burden for individuals and College resources

What is considered Sexual Harassment under Title IX?

- **Quid pro quo:** requiring someone to engage in sexual activity for something in return (“this for that”)
- **Sexual Assault:** rape, fondling, incest, statutory rape
- **Dating Violence**
- **Domestic Violence**
- **Stalking**
- **Unwelcome conduct** that is severe, pervasive, and objectively offensive



What is not covered under Title IX?

Non-consensual sexual misconduct that does not meet the definition, geography or criteria of what is covered under new Title IX regs

Examples: conduct that occurs off campus that causes threat to campus community member; incident in Italy program; sexual harassment/action that is single incident; sexual exploitation

What is Consent?

“Yes Means Yes”

- Clear words or actions - affirmatively demonstrate a knowing and voluntary willingness to engage in mutually-agreed-upon sexual activity
- Informed, freely given and mutual
- Cannot be gained by force, intimidation, duress, deception or by ignoring objections
- Cannot be inferred from silence/lack of active resistance
- Prior consent does not imply future consent
- Minors and persons incapacitated by alcohol or drugs cannot give consent.
- Not implied by attire or money spent.



Challenges of New Title IX regs

- **Formal grievance hearings:** live hearings with cross examination
- **Hearing process** more “legalistic” - advisers cross examine
- College must provide **adviser** if person does not have one

Challenges, continued...

-Several persons handle different aspects of a Title IX complaint/grievance:

- Title IX Coordinators (receive report)
- Investigator
- Advisers
- Decision Makers (Board and Appeals)

(Legalistic, cost, burden on all involved)

Sexual Misconduct at MC

- Meredith takes sexual misconduct seriously.
- MC will continue to address non-consensual sexual misconduct, even if not covered under Title IX.
- MC will continue to support campus community members.
- MC has fair grievance procedures: informal and formal grievance/resolution processes for both Title IX and “other” prohibited sexual misconduct

Why handle “non-Title IX” reports?

- With narrower Title IX definition, other prohibited sexual misconduct needs to be addressed
- “Severe, pervasive OR objectively offensive to a reasonable person” standard
- Need to address single incidents; off-campus incidents (if threat to student); Italy program; etc.

How to meet challenges...

- Provide supportive measures
- Offer robust informal resolution/mediation (*not available for employee-student assault*)
- Separate meeting rooms for live hearings, using technology
- Require “Rules of Decorum” for all; train campus advisers
- If non-Title IX conduct, use other College grievance procedures

Resources at MC

Title IX website: www.meredith.edu/title-ix

Resources Listed Include:

Title IX Coordinators:

- Pamela Davis Galloway
- Ann Gleason

Other On Campus:

- Campus Police

Confidential Resources:

- Counseling Center
- Health Center
- Chaplain

Off Campus Options:

- Interact



Your Role as an Employee:

- Be familiar with College policies and follow them
- Be approachable and provide support and assistance
- Follow up with Title IX Coordinator(s) with info and reports (even if the individual only wants to see confidential resource)
- Do not investigate a complaint or serve as the counselor/medical provider
- Refer to appropriate resources
- Maintain privacy
- Be an effective bystander



What do I say?

Offer Support – be compassionate and non-judgmental:

- “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. How can I help you connect with what you need?” Show the Title IX info page, resources and reporting info. <http://www.meredith.edu/title-ix>
- “Would you like for me to connect you with resources that are available to you?”

If the individual 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 medical attention?”
- Interact’s Solace Center: 919-828-3067 (off campus)
- MC Health Services: 919-760-8535 (on campus)



What if they want to report?

- “I support your decision.....would you like for me to assist you in speaking with a Title IX Coordinator?”
- 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?”

If Formal Complaint is received, Title IX Coordinator decides to consider or dismiss under Title IX; may refer to other non-Title IX procedures (depends upon Title IX criteria)



What if they don't want to report?

- “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 the individual to report or bridge to resources
 - If person ask you not to report:
 - tell her/him that you have an obligation to report what s/he has told you, but
 - information will only be shared on a need to know basis to maintain privacy to the full extent possible.
- Share any information you've been given with a Title IX coordinator (College must investigate and take any corrective/interim actions)
- Tell her/him 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?

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:

Follow up with student:

“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 individual wants more info.

Follow up with Title IX Coordinator with basic info - student name may not need to be disclosed



Shouldn't I just direct them to the local police?

- May contact law enforcement at any time
- The College can take interim actions at any time
- The College grievance process is not a substitute for criminal proceedings.
 - Different standards of decision making are applied: burden of proof vs. preponderance of the evidence
 - Processes are different - lead to different outcomes



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 necessarily result in a Formal Complaint or grievance process. Additional assistance may be appropriate.
 - The College can offer supportive measures
 - A Formal Complaint may be submitted by the Complainant (and in rare cases, the College)



What if I do nothing?

- Consider the potential harm to the person
- Consider the potential harm to others
- The College still can be liable



An Ounce of Prevention...

- Model appropriate behavior; as an employee, you are often viewed as being in a position of power
- Empower students and coworkers by letting them know:
 - It's okay to tell someone that their attention or conduct is offensive or unwelcome; and
 - 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?



Take Aways:

- Unless you are a confidential resource, **you are a responsible employee** and must report sexual misconduct.
- Who do I report information to? Title IX Coordinators, Pamela Galloway or Ann Gleason.
- Consult with a Title IX coordinator (with or without names) if you are unsure about what sexual misconduct is and if it should be reported.
- Where can I find resource information? MC website or <http://www.meredith.edu/title-ix>
- Who can provide immediate assistance? A Title IX Coordinator or a confidential resources. In addition, the individual may want to speak with local law enforcement, InterAct or other resources.



Questions and Answers



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Sexual Harassment Definitions - Title IX

Sexual harassment, including:

- **Quid pro Quo:** requiring a person to engage in sexual activity to receive something in return
- **Unwelcome conduct** that a reasonable person would determine is so severe, pervasive AND objectively offensive
- **Stalking** – engaging in conduct directed at another person when it is unwanted (sending unwanted flowers, gifts, messages); sufficiently serious enough to cause a reasonable person to fear for their safety or suffer substantial emotional distress

Sexual Assault under Title IX

Sexual Assault includes any sexual act directed against another person without consent:

- **Non-consensual sexual penetration (rape)** – defined by penetration (and, oral or vaginal) by a penis, tongue, finger or other object
- **Fondling** - touching a person's private parts for the purpose of sexual gratification, without the person's consent
- **Incest** - sexual intercourse between two persons related to each other within degrees wherein marriage is prohibited
- **Statutory Rape** - sexual intercourse with a person who is under the statutory ages of consent

Additional Title IX violations:

- **Dating Violence** – sexual or physical abuse, or threat of such abuse between partners who are or have been in a social relationship of a romantic or intimate nature
- **Domestic Violence** – Attempting or intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or harassment by someone with whom the aggrieved party has or has had a personal relationship (includes relationship between current or former spouses, persons who live or have lived together, persons who have child in common, or persons who are or have been in dating relationship).

Sexual violence may occur between persons of the same or different gender.



What else is included under Sexual Misconduct

- **Sexual exploitation** – taking sexual advantage of another person without effective consent (example: taking a video of someone performing a sexual act and streaming or distributing this)
- **Coercion** – use of unreasonable and persistent pressure or threat to initiate or continue sexual activity against an individual's will
- **Complicity**- an act that knowingly aids, abets, or encourages the following through of sexual misconduct by another person
- **Retaliation** - getting back at someone for that person's reporting or opposing a violation of sexual misconduct or Title IX
- **False Allegation** - bringing a knowingly false complaint against another